

12-2005

Highlights of Legislative Accomplishments of 2005

California Senate Office of Research

Follow this and additional works at: http://digitalcommons.law.ggu.edu/caldocs_senate



Part of the [Legislation Commons](#)

Recommended Citation

California Senate Office of Research, "Highlights of Legislative Accomplishments of 2005" (2005). *California Senate*. Paper 4.
http://digitalcommons.law.ggu.edu/caldocs_senate/4

This Committee Report is brought to you for free and open access by the California Documents at GGU Law Digital Commons. It has been accepted for inclusion in California Senate by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

***Highlights of Legislative
Accomplishments of 2005***

STATE DEPOSITORY
LAW LIBRARY

FEB 13 2006

GOLDEN GATE UNIVERSITY



***California Senate Office of Research
December 2005***

NON-CIRCULATING

KFC
7
.C34
2005

Highlights of Legislative Accomplishments of 2005

Significant Legislation Passed by the Legislature in 2005

DO NOT REMOVE FROM
LAW LIBRARY

FEB 17 2006

GOLDEN GATE UNIVERSITY

Senate Office of Research

Don Moulds, Director
1020 N Street, Room 200
Sacramento, CA 95814
916-651-1500
www.sen.ca.gov/sor

December 2005

Table of Contents

Introduction	<i>i</i>
Agriculture	1
Alcohol, Tobacco, and Horse Racing.....	3
Banking, Finance, and Insurance	5
Business and Professions	7
Economic Development	9
Education: Kindergarten through 12th Grade	11
Higher Education.....	16
Elections and Political Reform.....	19
Energy, Utilities, and Communications.....	22
Environment, Natural Resources, and Water	24
Government Performance and Reform	27
Health Care	29
Housing	38
Human Services.....	42
Judiciary	49
Labor and Employment.....	57
Local Government	59
Military and Veterans	60
Public Employment and Retirement	62
Public Safety	64
Revenue and Taxation	72
Transportation	74

Introduction

“Highlights of Legislative Accomplishments of 2005” summarizes significant measures passed by the Legislature this year. The document is arranged by policy area and includes actions taken by Governor Arnold Schwarzenegger. In 2005 the governor signed 729 measures and vetoed 232. Of those signed into law, most will take effect on January 1, 2006.

Texts of the measures highlighted here, as well as committee staff analyses, floor analyses, and governor’s veto messages, may be found at www.leginfo.ca.gov.

For details of the budget package enacted in 2005, see “California Spending Plan 2005-06: The Budget Act and Related Legislation,” prepared by the Legislative Analyst’s Office. It is available on their Web site at www.lao.ca.gov.

Agriculture

SB 455 (Escutia) – Revises the procedures and enforcement actions for violations of pesticide laws that result in harm to health or the environment. The bill puts the Department of Pesticide Regulation's existing enforcement policy into regulation, so that all counties have the same measures for accountability, and provides aggrieved persons with the right to appeal a local agricultural commissioner's decision to the department. **Vetoed**

SB 872 (Denham and Florez) – Extends the vertebrate pest control program until 2016 to enable the Department of Food and Agriculture to continue research that may find alternative approaches to solving wildlife damage problems affecting agriculture. **Chapter 176, Statutes of 2005**

AB 460 (Parra) – Permits the Department of Food and Agriculture and the U.S. Department of Agriculture to enter into a cooperative agreement to carry out a program to prevent and control avian influenza. Requires the state agriculture department to adopt regulations to implement the program. **Chapter 609, Statutes of 2005**

AB 520 (Parra) – Authorizes the Department of Food and Agriculture or a county agricultural commissioner, in lieu of civil prosecution by law enforcement, to levy a civil penalty of up to \$3,000 per violation of the agriculture theft prevention and fruit, nut, and vegetable standards. **Chapter 220, Statutes of 2005**

AB 826 (Nava) – Creates the California Farm to School Child Nutrition Improvement Program. Requires the Department of Education in collaboration with the Department of Food and Agriculture and Department of Health Services to implement the program. Allows the Department of Food and Agriculture, to the extent funding is available, to provide outreach and training of school food service personnel and the agricultural industry to facilitate the delivery of fresh fruits and vegetables to school cafeterias. **Vetoed**

AB 1011 (Matthews) – Provides that only pesticide brokers licensed by the Department of Pesticide Regulation may offer to sell or bring into the state for sale any pesticide registered by the department, regardless of

whether the pesticide is used for agricultural purposes. **Chapter 612, Statutes of 2005**

Alcohol, Tobacco, and Horse Racing

Alcohol

SB 118 (Chesbro) – Repeals a law, which the U.S. Supreme Court overturned in May 2005, that prohibited direct shipments to California consumers from wineries in states that prohibited direct shipments to their consumers from California wineries. Repeals a law requiring California consumers to have state permits before they receive wine shipments. **Chapter 157, Statutes of 2005**

AB 417 (Aghazarian) – Provides that malt drinks, including flavored malt beverages, be defined and taxed as beer. **Vetoed**

Horse Racing

AB 52 (J. Horton) – Requires the Horse Racing Board to adopt emergency regulations to require testing of the carbon dioxide in racehorses' blood to determine whether an alkalizing substance was administered to improve the horses' performance. The regulations must include a split-sample process for carbon dioxide testing. **Chapter 179, Statutes of 2005**

AB 1180 (Torrico) – Requires the Horse Racing Board to approve and participate in a health assessment study of jockeys, providing information to determine an appropriate jockey scale of weights for various types of horse racing. Requires that specified emergency response equipment be available in case accidents occur, that jockeys be paid for exercising horses at the same rate as exercise riders, and that the Horse Racing Board evaluate whether safety reins will better protect the health and economic security of jockeys. **Chapter 329, Statutes of 2005**

Tobacco

AB 178 (Koretz, Chan, J. Horton, and Vargas) – Requires cigarettes sold in California on or after January 1, 2007, to be "fire safe," that is, able to self-extinguish when left unattended. Typically, manufacturers ensure cigarettes will self-extinguish by encircling them with thread-like

Highlights of Legislative Accomplishments – December 2005

material that stops the advancing burn. The bill requires manufacturers to certify that no more than 25 percent of their cigarettes marketed in California exhibit full-length burns when tested. Requires that cigarette packages be marked to show fire-safe compliance and be available for inspection by state regulators. With this bill, California joins New York, Vermont, and Canada as jurisdictions where cigarettes sold must be fire safe. **Chapter 633, Statutes of 2005**

Banking, Finance, and Insurance

SB 2 (Speier) – Makes changes to the regulation of homeowners insurance including: (1) requiring the Department of Insurance curriculum committee to make recommendations for the proper instruction of fire, casualty, and personal lines broker-agents in estimating the replacement value of structures and of recommending appropriate levels of coverage; (2) requiring insurers to provide a list of covered expenses when an insured person makes a claim for additional living expenses; and (3) making an existing earthquake and catastrophe mediation program permanent (previously scheduled to sunset January 1, 2008). **Chapter 447, Statutes of 2005**

SB 20 (Escutia) – Expands the state's low-cost auto insurance programs to Alameda, Fresno, Orange, Riverside, San Bernardino, and San Diego counties. Any further expansion to additional counties is subject to the discretion of the insurance commissioner. The bill also extends the sunset date on two existing low-cost auto insurance programs and the proof of financial responsibility (auto insurance) law in Los Angeles and San Francisco counties until January 1, 2011. **Chapter 435, Statutes of 2005**

SB 150 (Escutia) – Requires insurers to provide a consumer with the specific reason for the declination, cancellation, or nonrenewal of specified insurance policies. **Chapter 436, Statutes of 2005**

SB 360 (Florez) – Prohibits a person from making a loan to a consumer for personal, family, or household purposes and structuring the transaction as if it were a sale of personal property by the consumer to the lender, accompanied by specified lease, use, or purchase options (known as a sale-leaseback transaction). The bill imposes civil and criminal penalties for violations of its provisions. **Vetoed**

SB 381 (Denham) – Authorizes a grants and annuities society that is also licensed by the Department of Insurance as a life and disability insurance company to offer a variable annuity in addition to fixed annuities allowed by current law. **Chapter 130, Statutes of 2005**

SB 518 (Kehoe) – Requires insurers to provide policyholders, after a covered loss, with a copy of their homeowners insurance policy within thirty calendar days of a request. If there has not been a covered loss, the bill requires an insurer to provide the policyholder, upon request, with one free copy of his or her current insurance policy or certificate annually. The bill also requires an insurer to extend the time for covering additional living expenses to twenty-four months after a state of emergency is declared. **Chapter 448, Statutes of 2005**

SB 706 (Ortiz) – Increases the Department of Insurance's authority to protect consumers against unlicensed insurance agents. The bill increases the monetary penalty that the department may assess from up to \$5,000 per day to five times the amount of money the unlicensed agent received or \$5,000 per day, whichever is greater. The department also may impose this monetary penalty before issuing a cease and desist order against the unlicensed agent, and may recover reasonable attorney's fees related to litigation against unlicensed agents. **Chapter 380, Statutes of 2005**

AB 873 (Bogh) – Requires an insurer, after a covered loss under a fire insurance policy, to provide the insured person with a free copy of his or her policy within thirty calendar days of a request. **Chapter 397, Statutes of 2005**

AB 1183 (Vargas) – Extends, until January 1, 2010, a sunset on two existing fees levied on auto insurance policies for the support of antifraud and consumer services programs. **Chapter 717, Statutes of 2005**

Business and Professions

The Legislature approved a number of measures extending the sunset dates on various boards and commissions under the purview of the Department of Consumer Affairs including, among others, the Board for Professional Engineers and Land Surveyors [**SB 228 (Figueroa), Chapter 657, Statutes of 2005**]; the Board of Psychology, Board of Behavioral Sciences, Court Reporters Board of California, and Structural Pest Control Board [**SB 229 (Figueroa), Chapter 658, Statutes of 2005**]; and the Board of Podiatric Medicine, Speech-Language Pathology and Audiology Board, and Contractors State License Board [**SB 232 (Figueroa), Chapter 675, Statutes of 2005**].

SB 194 (Maldonado) – Expands security guard registration requirements to also cover proprietary private security officers who are employed exclusively by any one employer and whose primary duty is to provide security services for that employer. These officers must register with the Department of Consumer Affairs and successfully complete a criminal history background check. **Chapter 655, Statutes of 2005**

SB 231 (Figueroa) – Implements a number of recommendations made by an enforcement monitor charged with reviewing the Medical Board of California. Among other things, the bill increases the initial and biennial licensure fees for physicians and surgeons from \$610 to \$790, extends the sunset date on the Medical Board, and, until July 1, 2008, establishes a vertical prosecution process under which a complaint received by the board is assigned to both a board investigator and a deputy attorney general in the Attorney General's Office at the same time. The bill also directs the Legislature's Joint Committee on Boards, Commissions, and Consumer Protection to examine the composition of the Medical Board and its initial and biennial fees and report its findings to the governor and the Legislature by July 1, 2008. **Chapter 674, Statutes of 2005**

SB 581 (Figueroa) – Permits a consumer to cancel a contract for health studio services under the following conditions: (1) within five business days after the contract is executed, or within twenty, thirty, or forty-five days thereafter if the amount of the contract exceeds certain dollar amounts; (2) if the health studio fails to provide the specific facilities advertised or offered within six months or any shorter time promised in the contract; or (3) if the health studio eliminates or reduces the scope of

the facilities, as specified. The bill details the method for calculating the consumer's refund following cancellation of the contract and provides that a health studio entering a contract for services for \$1,000 or less is not required to comply with certain provisions. **Chapter 439, Statutes of 2005**

SB 644 (Ortiz) – Prohibits a pharmacist or other health care licensee from refusing to fill a prescription, with limited exceptions. A licensee may only object to filling a prescription on ethical, moral, or religious grounds if the licensee previously notified his or her employer of the objection and the employer can reasonably accommodate it. The bill also requires the licensee's employer to establish protocols to ensure that a patient has timely access to the prescribed drug or device. **Chapter 417, Statutes of 2005**

AB 446 (Negrete McLeod) – Prohibits any licensee or professional overseen by the Department of Consumer Affairs from including in a civil settlement agreement any "gag clause" provision that prohibits the other party from contacting or filing a complaint with the department. **Vetoed**

AB 481 (Calderon) – Aims at reducing friction between a person owing a debt and an agent sent to repossess the debtor's property. The bill provides that no one shall disturb the peace, for example by using physical force or verbal abuse, once the repossession has occurred, on penalty of fines or jail time. To protect the interests of the debtor the bill allows anyone in charge of the property at the time of repossession, not just the owner of the property, to retain personal items such as a child's seat left in the repossessed vehicle. **Vetoed**

AB 535 (Calderon) – Enacts the Credit Counselors Law, requiring the Department of Corporations to license and regulate nonprofit credit counselors. **Vetoed**

AB 585 (Negrete McLeod) – Enacts comprehensive changes to the Farm Equipment Dealers Fair Practice Law to provide greater notice and protections to farm equipment dealers when equipment manufacturers or distributors cancel their dealer agreements. **Chapter 712, Statutes of 2005**

AB 1263 (Yee) – Requires the Board of Barbering and Cosmetology to adopt regulations on or before July 1, 2006, that set forth standards and requirements for the use of pedicure equipment, including procedures to ensure the proper and safe operation of pedicure spa equipment and protocols for disinfecting all multiuse tools and equipment between patrons in all salons providing manicure and pedicure services. **Vetoed**

Economic Development

Enterprise Zones

Under existing law, the Department of Housing and Community Development can designate up to forty-two enterprise zones where local governments can relax regulatory controls such as permits and development fees, provide tax incentives, expand infrastructure, and target federal grants for education, health and welfare, economic development, vocational education, transportation, and housing. The state provides a number of tax incentives to businesses that locate or expand in the zones.

The department is required to submit a report to the Legislature every five years evaluating the enterprise zone program's effect on employment, investment, incomes, and state and local tax revenues. The report must also include a review of the progress and effectiveness of each zone.

AB 1563 (Assembly Jobs, Economic Development and the Economy Committee) – Requires the Department of Housing and Community Development report to include information about the training of unemployed persons in each enterprise zone. **Chapter 518, Statutes of 2005**

Film Promotion

AB 1437 (Strickland) – Creates the Film Promotion and Marketing Fund, into which funds from public and private sources will be deposited and allocated to the California Film Commission for the purpose of promoting production of movies in California. **Chapter 168, Statutes of 2005**

International Trade and State Procurement

SB 348 (Figueroa) – Prohibits any state official, including the governor, from binding the state, or giving consent to the federal government to bind the state, to provisions of an international trade agreement unless a state law specifically allows it. **Vetoed**

Tax Incentives

AB 168 (Ridley-Thomas) – Requires the Franchise Tax Board and the Board of Equalization to report every two years on the estimated losses in state revenue attributable to each tax expenditure that results in revenue losses of at least \$25 million. Tax expenditure means a tax credit, deduction, exclusion, exemption, or any other tax benefit that state law provides. **Vetoed**

AB 382 (Chan) – Eliminates the January 1, 2006, sunset date of the California Industrial Development Financing Act, which authorizes local governments to issue tax-exempt industrial development bonds with the approval of the California Industrial Development Financing Advisory Commission in the Treasurer's Office. Projects funded are required to generate substantial public benefits in return for this tax expenditure.
Chapter 387, Statutes of 2005

Education: Kindergarten through 12th Grade

Career Technical Education

SB 70 (Scott) – Provides \$20 million for career technical education programs at middle schools, high schools, regional occupation programs, and community colleges. **Chapter 352, Statutes of 2005**

AB 917 (Wyland) – Establishes the Career Technical Education Vision Council to make recommendations regarding career technical education and to develop a workforce preparation and strategic plan. **Vetoed**

AB 1609 (Liu) – Requires schools to include career technical education information on the school accountability report cards. **Chapter 354, Statutes of 2005**

English Language Learners

SB 72 (Senate Budget and Fiscal Review Committee) – Provides \$20 million for supplemental instructional materials for English language learners. **Vetoed**

SB 385 (Ducheny) – Requires the development and administration of primary language achievement tests for pupils who are literate in or receiving instruction in their primary languages and who have attended school in the United States for less than three years. **Vetoed**

AB 482 (Hancock) – Requires that a pupil with limited English proficiency who receives instruction in his or her primary language or who has been enrolled in a school in the United States for less than twelve months be tested in their primary languages in addition to English, if such tests are available. **Vetoed**

High School Exit Exam

AB 128 (Assembly Budget Committee) – Specifies how \$20 million in funds in the 2004-05 budget can be spent to help schools assist students in passing the California High School Exit Exam. **Chapter 234, Statutes of 2005**

AB 1136 (Dymally) – Defines the duties of drop out recovery outreach consultants and authorizes supplemental instruction for pupils at risk of being retained in grade or failing the high school exit exam. **Chapter 402, Statutes of 2005**

AB 1531 (Bass) – Authorizes local school districts to create alternative performance assessments in English and mathematics to be used in place of the California High School Exit Exam as a graduation requirement for students who are unable to pass the current exam.
Vetoed

Special Education

SB 586 (Romero) – Provides an exemption for students with disabilities from the graduation requirement to pass the California High School Exit Exam. **Vetoed**

AB 1662 (Lieber and Daucher) – Makes changes to state special education laws to bring them into harmony with federal changes enacted through the 2004 reauthorization of the Individuals with Disabilities Education Improvement Act. **Chapter 653, Statutes of 2005**

Student Health

SB 12 (Escutia) – Revises elementary school nutrition standards and adopts new secondary school nutrition standards starting July 1, 2007. For elementary schools the revisions reduce the allowable fat, sugar, and calorie content of specified foods sold outside of federal reimbursable meal programs. For middle, junior, and high schools, the bill imposes fat, sugar, and calorie standards for all foods sold outside of federal reimbursable meal programs. The standards do not apply to foods sold thirty minutes or more after the end of the school day. The bill encourages school boards to annually review their compliance with nutrition standards and authorizes the superintendent of public instruction to monitor school district compliance with the standards. **Chapter 235, Statutes of 2005**

SB 37 (Speier) – Includes instruction on the harmful effects of steroids and performance-enhancing dietary supplements in the requirements and responsibilities of high school coaches. The bill prohibits the use, sale, marketing, or distribution of specified dietary supplements and also prohibits a pupil from participating in high school sports on or after July 1, 2006, unless that pupil signs a pledge not to take anabolic steroids or banned dietary supplements. **Chapter 673, Statutes of 2005**

SB 281 (Maldonado) – Creates the California Farm Fresh Start Pilot Program in the Department of Education, administered in consultation with the Department of Food and Agriculture and Department of Health Services, to provide fruits and vegetables to pupils in kindergarten

through grade twelve. Appropriates \$400,000 for the program. **Chapter 236, Statutes of 2005**

SB 567 (Torlakson) – Requires a school district participating in federal school meal programs to implement a school wellness policy by the beginning of the 2006-07 school year. **Vetoed**

SB 688 (Speier) – Requires the Department of Education, in consultation with the Department of Health Services, to develop a skin cancer prevention policy to educate pupils in grades one through six. **Vetoed**

SB 965 (Escutia) – Modifies the list of beverages allowed to be sold to pupils at elementary, middle, or junior high schools and extends those restrictions to high schools. Starting July 1, 2007, the bill phases in over several years additional restrictions on sales of beverages at high schools, specifying that only certain beverages (not sodas) can be sold at schools during school hours or within thirty minutes before and after school, with specified exceptions. The bill also states legislative intent that school district governing boards annually review district compliance with these restrictions on beverage sales. **Chapter 237, Statutes of 2005**

AB 405 (Montañez) – Prohibits the use at schools of pesticides that state health agencies have not fully tested and registered. **Signed – Chapter 566, Statutes of 2005**

AB 444 (Yee) – Requires the nutrition guidelines the Department of Education develops for all food and beverages sold on public school campuses to also extend to foods and beverages served on public school campuses. **Vetoed**

AB 689 (Nava) – Requires the State Board of Education to adopt academic content standards for health education. **Chapter 654, Statutes of 2005**

AB 826 (Nava) – Creates the California Farm to School Child Nutrition Improvement Program. Requires the Department of Education in collaboration with the Department of Food and Agriculture and Department of Health Services to implement the program. Allows the Department of Food and Agriculture, to the extent funding is available, to provide outreach and training of school food service personnel and the agricultural industry to facilitate the delivery of fresh fruits and vegetables to school cafeterias. **Vetoed**

AB 1385 (Laird) – Requires the Department of Education to create a system to directly certify public assistance recipients to receive meals through the National School Lunch and School Breakfast Programs. **Chapter 361, Statutes of 2005**

Other

SB 352 (Scott) – Creates an incentive program, the Chief Business Officer Training Program, to encourage school districts to provide instruction and training in school finance, school operations, and leadership to school chief business officers. **Chapter 356, Statutes of 2005**

SB 414 (Alquist) – Extends, until July 1, 2012, the Mathematics and Reading Professional Development Program, which was due to expire on July 1, 2006. **Vetoed**

SB 430 (Runner) – Makes several changes to laws defining the parameters of fiscal oversight of charter schools by the county superintendent of schools. Authorizes the superintendent to request the Fiscal Crisis and Management Assistance Team to review the fiscal or administrative condition of a school district or charter school under its jurisdiction. The bill also requires charter schools to establish conflict-of-interest policies. **Chapter 357, Statutes of 2005**

SB 657 (Escutia) – Requires the State Board of Education to solicit recommendations annually from school districts regarding the adoption of instructional materials. **Vetoed**

SB 687 (Simitian) – Requires the School Accountability Report Card to reflect actual per-pupil expenditures that are specific to each school site and include personnel salaries. **Chapter 358, Statutes of 2005**

SB 854 (Ashburn) – Increases the state per-student daily reimbursement rate and the maximum total state grant amount per school year for before- and after-school programs. **Chapter 555, Statutes of 2005**

SB 1004 (Margett) – Requires each school district to adopt a policy for students under suspension regarding completion of assignments, homework, and any make-up work. **Vetoed**

SB 1054 (Soto) – Requires charter schools to meet California Building Code standards. **Chapter 87, Statutes of 2005**

AB 13 (Goldberg) – Prohibits public schools under almost all circumstances from using the term "Redskins" as a school or athletic team name, mascot, or nickname beginning in 2007. **Vetoed**

AB 322 (Oropeza) – Requires the state Department of Education to post the "Athlete's Bill of Rights" on its Web site in English and Spanish. This bill of rights articulates students' rights with regard to equal treatment in high school athletics. **Chapter 386, Statutes of 2005**

AB 388 (Canciamilla) – Establishes requirements for publishers or manufacturers of state-adopted core instructional materials, including adopting maximum cost and price limits. **Vetoed**

AB 564 (Karnette) – Requires the superintendent of public instruction to review instructional materials for grades nine through twelve to determine whether the materials are aligned to California academic content standards. **Vetoed**

AB 723 (Chu) – Requires the State Board of Education to integrate instruction on tolerance and intergroup relations into existing curriculum frameworks for grades kindergarten through eight. **Vetoed**

AB 740 (Huff) – Consolidates current categorical funding for charter schools into a block grant. **Chapter 359, Statutes of 2005**

AB 897 (Coto) – Requires local education agencies to provide opportunities for visually impaired pupils to master reading and mathematics standards in Braille. **Chapter 530, Statutes of 2005**

AB 1071 (Chu) – Increases the appropriation for the Immediate Intervention/Underperforming Schools Program to include seventeen new schools in state-monitored status. **Chapter 192, Statutes of 2005**

AB 1110 (Parra) – Gives schools a transportation block grant in lieu of existing home-to-school and special education transportation funds, and adjusts the block grant amounts for inflation and enrollment growth annually starting in 2005-2006. **Vetoed**

Education: Higher Education

SB 13 (Bowen) – Prohibits state agencies from releasing personal information to the University of California or a nonprofit educational institution conducting scientific research unless the research proposal has been reviewed and approved by the Committee for the Protection of Human Subjects (the state's institutional review board) for the Health and Human Services Agency. The bill also specifies data protection standards the committee must use to review research proposals.

Chapter 241, Statutes of 2005

SB 73 (Senate Budget and Fiscal Review Committee) – Appropriates \$3.44 million, on a one-time basis, for infrastructure needed to establish entry-level master's programs for nursing at the CSU and UC campuses. The bill restores funding that the governor vetoed from the 2005-06 Budget Act. **Chapter 592, Statutes of 2005**

SB 102 (Ducheny) – Authorizes the Employment Training Panel to allocate funds for up to five licensed nurse training programs to provide career ladder training to nurse assistants or caregivers by waiving the program's minimum wage provisions and limitations on the maximum length of training. **Chapter 593, Statutes of 2005**

SB 569 (Torlakson) – Authorizes the governing bodies and alumni associations of the CSU, UC, and Hastings College of Law to disclose the names and addresses of alumni to businesses to offer various commercial products and services, provided they meet specified privacy requirements. **Chapter 454, Statutes of 2005**

SB 661 (Migden) – Establishes the California Student Athlete Fair Opportunity Act of 2005 to increase academic progress and graduation rates for college student athletes. The bill requires the CSU to provide summer scholarships to athletes and develop a comprehensive plan for providing academic support to student athletes. The bill also requires the CSU to report to the Legislature and the governor on the academic progress of athletes and on the status of athletic academic support programs for all campuses that are members of the National Collegiate Athletic Association. **Chapter 552, Statutes of 2005**

SB 724 (Scott) – Authorizes the CSU to award the Doctorate of Education degree focused on preparing administrative leaders for positions in the California K-12 and community college systems. The bill also requires the CSU, Department of Finance, and Legislative Analyst's Office to jointly evaluate the doctoral programs authorized under the bill and report the results to the Legislature and the governor by January 1, 2011. **Chapter 269, Statutes of 2005**

SB 780 (Ortiz) – Requests the UC Board of Regents to encourage university medical schools to consider admissions criteria that recognize a student's demonstrated commitment to practice medicine in federal and state designated medically underserved communities. The bill also requests the UC and Office of Statewide Health Planning and Development to convene a task force to develop goals and recommendations for improving how university medical schools meet the needs of medically underserved communities in California. The task force is required to report its findings and recommendations to the Legislature by January 1, 2007. **Vetoed**

AB 593 (Frommer) – Creates the California Hope Public Trust and the Hope Endowment to support greater college opportunities, and requires the Department of General Services to transfer specified surplus state lands to the trust. The trust is authorized to use revenues from the surplus property to provide grants to schools with effective high school academic enrichment and college readiness programs. The endowment will develop and oversee the criteria and guidelines for disbursing these funds and will assess and promote the most promising and innovative approaches for improvement of access to California's public colleges and universities. **Vetoed**

AB 702 (Koretz) – Authorizes the Office of Statewide Health Planning and Development through its Health Professions Education Foundation to expand eligibility for scholarships and loan repayment programs to include master's and doctorate nursing students who commit to teaching five years in a California nursing program. **Chapter 611, Statutes of 2005**

AB 947 (Liu) – Expands the definition of a private college for the purpose of obtaining financing through the California Educational Facilities Authority to include nonprofit affiliates of one or more private colleges that provide administrative support or research services. **Chapter 191, Statutes of 2005**

AB 967 (Canciamilla) – Permits California community colleges to exceed the existing 5 percent summer enrollment cap for K-12 students who are recommended by the school principal for enrollment in a college-level advanced scholastic summer course, or in a vocational education course that meets specific criteria. The bill also requires that these K-12 students be assigned a low enrollment priority to ensure that they do not displace regularly admitted college students. The provisions in the bill

pertain to students enrolled in early college and middle college high schools. **Chapter 399, Statutes of 2005**

AB 982 (Laird) – Deletes the requirement that low-income community college students be exempt from paying health care service fees. This change permits campuses to recoup some of the costs of offering health services to offset growing funding shortfalls being incurred by campuses around the state. **Chapter 320, Statutes of 2005**

AB 1088 (Oropeza) – Requires the governing boards of the California Community Colleges and the CSU and requests the UC Board of Regents to undertake various activities to provide students with educational and preventative information regarding sexual violence. **Chapter 647, Statutes of 2005**

AB 1241 (Matthews) – Contains a number of provisions to monitor and improve the rate of submission of high school grade point averages for determining eligibility for the Cal Grant program. **Vetoed**

AB 1280 (Maze) – Establishes the California Community College Baccalaureate Partnership Program. The program is designed to offer community college students the opportunity to receive baccalaureate degrees at participating community college campuses. Authorizes the chancellor of the community colleges to award two grants for specified amounts annually to a community college and four-year institution that collaborate in providing such programs. **Chapter 515, Statutes of 2005**

AB 1366 (Lieber) – Authorizes the California Community Colleges Board of Governors to request the County Office Fiscal Crisis and Management Assistance Team to assist a community college district to establish or maintain sound fiscal practices. **Chapter 360, Statutes of 2005**

AB 1492 (Evans and Chu) – Authorizes the sale and lease-back of energy efficient community college facilities utilizing a facilities financing mechanism currently used by K-12 school districts. **Chapter 363, Statutes of 2005**

AB 1646 (Assembly Higher Education Committee) – Authorizes community college districts to exempt college students who were displaced as a result of Hurricane Katrina from nonresident tuition. **Chapter 654, Statutes of 2005**

Elections and Political Reform

SB 8 (Soto) – Prohibits a local elected official from lobbying the local government agency of which the official was a member for a period of one year after leaving office. **Chapter 680, Statutes of 2005**

SB 370 (Bowen) – Provides that, on a direct recording electronic voting system, the electronic record of each vote shall be considered the official record of the vote. The voter-verified paper audit trail shall be the official paper audit record and shall be used in the 1 percent manual tally mandated by law. The voter-verified paper audit trail or the paper record copies shall be used for any recount conducted manually, at the option of the voter requesting the recount. **Chapter 724, Statutes of 2005**

SB 469 (Bowen) – Requires any petition for a state or local initiative, referendum, or recall to indicate whether the petition is being circulated by volunteers or paid circulators. Additionally, any state or local initiative, referendum, or recall petition that is circulated by a committee must include a disclosure statement identifying the names of the five largest contributors in support of the measure. **Vetoed**

SB 1016 (Bowen) – Requires the secretary of state and local elections officials to inform voters of the permissible uses of information contained on voter registration affidavits, and imposes a variety of safeguards to ensure that voter information and signatures are maintained in a secure and confidential manner and not improperly used, copied, or distributed. **Chapter 726, Statutes of 2005**

SB 1050 (Bowen) – Requires a write-in vote to be counted if the intent of the voter can be determined, even if the voter has failed to mark or slot the voting space next to the write-in space on the ballot, under certain limited circumstances. The bill accomplishes this by requiring a hand tally of ballots at the request of the write-in candidate if the votes cast for the write-in candidate, plus the total "undervotes" for the same office, as defined, is equal to or greater than the votes cast for the candidate with the greatest number of votes for that office. **Vetoed**

AB 738 (Nation) – Requires a person who is paid to circulate an initiative, referendum, or recall petition to wear a badge in clear view identifying himself or herself as a paid signature gatherer. **Vetoed**

AB 739 (Nation) – Similar to disclosures required with regard to candidates for state elective office, requires individuals to disclose payments made for a communication that identifies a candidate for local office within forty-five days of an election. This requirement applies for all payments of \$10,000 or more, and the disclosure must be made by filing a report within forty-eight hours of the payment. **Vetoed**

AB 866 (Yee) – Adds a provision to the pledge that is given to candidates for office--referred to as the Code of Fair Campaign Practices--and to which they may, but are not required to, subscribe. This provision says that the candidate will not use or permit any appeal to negative prejudice based on sexual orientation or gender identity. **Vetoed**

AB 938 (Umberg) – Requires committees that are required to file campaign reports online or electronically to file such reports within ten business days of making contributions or independent expenditures of \$10,000 or more to support or oppose the qualification or passage of a single state ballot measure. The bill requires the secretary of state to put this measure on the June 2006 ballot. **Vetoed**

AB 1096 (Umberg) – Removes the requirement that a voter be ill or disabled in order for that voter to allow a spouse, child, parent, grandparent, grandchild, sibling, or a person residing in the same household to return the ballot. The bill also expands the list of people a voter can authorize to receive an absentee ballot on the voter's behalf to include the voter's child, grandparent, grandchild, sibling, or a person living in the same household as the absentee voter. **Vetoed**

AB 1636 (Umberg) – Imposes various requirements on the secretary of state and elections officials with regard to the use of direct recording electronic voting systems. Among other things, the bill requires the elections official to retain the paper record copies of ballots cast, for the same amount of time and in the same manner as the elections official is required to retain voted polling place ballots, and requires such voting systems to include a way for a voter to electronically verify, through a nonvisual method, the information contained on the paper record copy of that voter's ballot. The bill also prohibits the secretary of state from approving any voting system that permits a voter to exit a polling place with a copy of the ballot cast, and prohibits any direct recording electronic voting system from being connected to the Internet at any time. **Chapter 718, Statutes of 2005**

AB 1741 (Assembly Judiciary Committee) – Prohibits a person who requests access to certain voter registration information, or who gathers signatures and other information for ballot petitions, from sending that

information outside the United States or making it available
electronically outside the United States. **Chapter 121, Statutes of 2005**

Energy, Utilities, and Communications

SB 578 (Escutia) – Requires railroads to report to the Office of Emergency Services information about runaway trains or other uncontrolled train movements involving a load of hazardous materials. The report must be made if the incident could have affected public health and safety, whether or not a spill occurred. Requires the Public Utilities Commission to investigate these incidents. **Chapter 684, Statutes of 2005**

SB 580 (Escutia) – Expands the jurisdiction of the Public Utilities Commission's Low-Income Oversight Board to include low-income water ratepayers' issues and to assist the commission with the California Alternate Rates for Energy program. Requires the Health and Human Services Agency to evaluate specified issues regarding the automatic enrollment of customers in that program. **Chapter 662, Statutes of 2005**

SB 608 (Escutia) – Expands and clarifies the role of the Public Utilities Commission's Office of the Ratepayer Advocate and changes its name to the Division of Ratepayer Advocates. Authorizes the division to appoint a lead attorney to represent the division. **Chapter 440, Statutes of 2005**

SB 816 (Kehoe) – Makes the San Diego Gas and Electric Company's net energy metering tariff available to customer generators up to a total capacity of fifty megawatts instead of 0.5 percent of peak demand. **Chapter 105, Statutes of 2005**

AB 67 (Levine and Oropeza) – Requires the Public Utilities Commission's president to annually appear before the Legislature to report on electric and gas utility costs. Expresses the Legislature's intent that the commission reduce electricity and natural gas rates to the lowest amount possible. Extends the fuel cell net metering program to 2010, instead of allowing it to expire in 2006. **Chapter 562, Statutes of 2005**

AB 380 (Núñez) – Requires the Public Utilities Commission to consult the Independent System Operator and establish and enforce resource adequacy requirements for all electricity providers. **Chapter 367, Statutes of 2005**

AB 746 (Blakeslee) – Authorizes energy utilities to accept credit and debit cards and to charge fees for their use. **Chapter 426, Statutes of 2005**

AB 962 (Núñez) – Requires railroads to notify the Public Utilities Commission and their collective bargaining representatives of any new utilization of remote control locomotives. Also requires railroads to immediately notify the Office of Emergency Services regarding accidents concurrent with the notification provided to the Federal Railroad Administration's National Response Center. **Vetoed**

AB 1383 (Pavley) – Creates a revolving loan program to facilitate the installation of solar energy systems in low-income housing. **Vetoed**

AB 1576 (Núñez) – Encourages the repowering or replacement of electric generating plants by requiring the Public Utilities Commission to approve a rate adjustment for a replacing or repowering project. **Chapter 374, Statutes of 2005**

AB 1660 (Pavley) – Enacts the California Energy-Efficient Vehicle Group Purchase Program to encourage state and local government agencies to buy energy-efficient motor vehicles through a group-purchasing program that uses the purchasing leverage of state and local agencies to lower the purchase price. **Chapter 580, Statutes of 2005**

Environment, Natural Resources, and Water

Environmental Quality

SB 455 (Escutia) – Revises the procedures and enforcement actions for violations of pesticide laws that result in harm to health and environment. The bill puts the Department of Pesticide Regulation's existing enforcement policy into regulation, so that all counties have the same measures for accountability, and provides aggrieved persons with the right to appeal a local agricultural commissioner's decision to the department. **Vetoed**

SB 467 (Lowenthal) – Requires the Air Resources Board to revise the grant criteria and guidelines for the Carl Moyer Memorial Air Quality Standards Attainment Program to incorporate projects in which an applicant turns in usable nonroad internal combustion technology and equipment and purchases new nonroad zero-emission technology that is in a similar category or can perform the same work. **Chapter 209, Statutes of 2005**

SB 471 (Escutia) – Deletes the provision in the California Land Environmental Restoration and Reuse Act that requires a Brownfield site to have zero full-time employees on an annualized basis in order to qualify as an abandoned site. **Chapter 586, Statutes of 2005**

SB 578 (Escutia) – Requires railroads to report to the Office of Emergency Services information about runaway trains or other uncontrolled train movements involving a load of hazardous materials. The report must be made if the incident could have affected public health and safety, whether or not a spill occurred. Requires the Public Utilities Commission to investigate these incidents. **Chapter 684, Statutes of 2005**

SB 600 (Ortiz and Perata) – Enacts the Healthy Californians Biomonitoring Program. Requires that the program use biospecimens to identify toxic chemicals that are present in Californians' bodies. Requires that the program conduct biomonitoring voluntarily and confidentially. **Vetoed**

SB 658 (Kuehl) – Authorizes a \$6 motor vehicle registration and renewal fee in coastal and San Francisco Bay Area counties to fund the prevention, reduction, remediation, or mitigation of the adverse environmental effects of motor vehicles and their associated facilities and infrastructure. **Vetoed**

SB 771 (Simitian) – Extends the restrictions on discharges that currently apply to cruise ships to include oceangoing ships in state marine waters and marine sanctuaries. **Chapter 588, Statutes of 2005**

SB 1067 (Kehoe) – Requires the Office of Environmental Health and Hazard Assessment to develop public health goals for trihalomethanes and haloacetic acids that take into account the health effects on pregnant women and infants. **Vetoed**

Flood Prevention

SB 264 (Machado) – Extends the Sacramento-San Joaquin Delta levee maintenance program, which would have expired on July 2, 2006, to 2008. Also extends the Delta Flood Prevention Fund so the Department of Water Resources can complete studies and develop plans to maintain and improve levees. **Chapter 583, Statutes of 2005**

AB 1200 (Laird) – Requires the Department of Water Resources to evaluate the potential impacts of levee failures. Requires that department and the Department of Fish and Game to evaluate options for protecting benefits that the levees provide. **Chapter 573, Statutes of 2005**

Natural Resources

SB 695 (Kehoe) – Requires the secretary of the Resources Agency to establish a central public registry of each conservation, open-space, and agricultural easement held or required by the state, or purchased with state grant funds since 2000. Specifically requires the registry to include the county registrar's record number, the easement's purpose, location, and size in acres, the easement holder's identity, the amount of money the state contributed to secure the easement transaction, and the date the easement transaction was completed. **Vetoed**

AB 771 (Saldaña) – Sets new standards governing how the Coastal Commission will handle and report ex parte communications that occur outside a public hearing. Among the new standards, requires commissioners to make a complete, comprehensive disclosure of any such communication within three days, or, if the communication occurs within three days of a public hearing, requires oral disclosure at the hearing and a report of the disclosure to be posted on the commission's web site. **Vetoed**

AB 1328 (Wolk) – Designates parts of Cache Creek in Yolo and Lake counties as wild, scenic, and recreational, giving them protection under the Wild and Scenic Rivers Act. **Chapter 576, Statutes of 2005**

AB 1524 (Laird and Nava) – Directs the state Coastal Conservancy to accept offers to dedicate conservation and open space easements, thereby exempting them from the Department of Finance and Department of General Services approval requirements. Also requires the conservancy to accept an offer to dedicate a conservation or open space easement if no other public agency or nonprofit organization accepts the offer within ninety days of the expiration date of the outstanding offer.

Vetoed

Water

SB 820 (Kuehl) – Requires all groundwater basins or sub-basins to report groundwater extraction information to the Water Resources Control Board starting in 2007, expanding the requirement that now applies only in Los Angeles, Riverside, San Bernardino, and Ventura Counties. Also requires agricultural water suppliers to prepare agricultural management plans, and requires the Department of Water Resources to analyze the plans and make reports to the Legislature every five years on the plans' status and their effect on promoting efficient agricultural water management. This bill is intended to promote better planning and to establish a process for developing an urban water management plan that will be open and transparent. **Vetoed**

AB 515 (Richman) – Authorizes the Department of Water Resources to lease space above State Water Project aqueducts and other conveyance facilities to private entities. **Chapter 368, Statutes of 2005**

Other

AB 1747 (Wolk) – Allows the Rumsey Band of Wintun Indians to enter into a joint powers agreement that with Yolo County and other public agencies so that the Rumsey Band may participate in the management of the Conaway Ranch property for the stated purposes of environmental enhancement, land conservation, agricultural preservation, flood management, water conservation, outdoor recreation, or other public health and safety objectives. **Vetoed**

Government Performance and Reform

SB 348 (Figueroa) – Prohibits any state official, including the governor, from binding the state, or giving consent to the federal government to bind the state, to provisions of an international trade agreement unless a state law specifically allows it. **Vetoed**

SB 577 (Figueroa) – Addresses a series of issues raised by the California Performance Review related to the state's exercise of fiscal responsibility, including requiring the Department of Finance to issue a long-range financial plan, requiring the department to make recommendations for developing a statewide fiscal management system, and requiring all state agencies to use an already-developed automated travel expense reimbursement system. **Vetoed**

SB 954 (Figueroa and Dutton) – Requires the Department of General Services to establish specified policies and guidelines for the procurement of information technology goods and services on or before January 1, 2007. **Chapter 556, Statutes of 2005**

AB 239 (J. Horton) – Requires the governor to submit to the Legislature, at the time of submitting the budget, an agency-by-agency report on current and proposed contracts for services, including the names of the contractors and descriptions of the contracts, the amounts of funds involved in the past, present and future, and whether the contracts were sole source procurements. **Vetoed**

AB 518 (Canciamilla) – Requires the Department of Finance to report to the Legislature projected annual estimates for five consecutive years of all of the following: General Fund revenues, General Fund expenditures in aggregate and by department, and personnel years supported by General Fund expenditures. If deficits are projected for any of the five years, the report must also include proposals on how to eliminate the deficit. The report must be submitted when the Governor's Budget is submitted in January, when the May Revise is released, and within thirty days after enactment of the Budget Act. **Vetoed**

AB 524 (Chan) – Provides, until January 1, 2009, that all successful bidders for public contracts must submit a completed questionnaire when any portion of the contract will be performed outside of the United

States. The questionnaire must include a complete description of the portions of the contract, and the percentage of the total contract, that will be performed outside of the United States. **Vetoed**

AB 1395 (Núñez) – Requires the secretary of environmental protection and the secretary of business, transportation, and housing to develop and coordinate a strategic plan, and make recommendations regarding an appropriate governance structure for California-Mexico relations. **Vetoed**

Governor's Reorganization Plan 2 – Creates the Department of Technology Services in the State and Consumer Services Agency. The reorganization plan consolidates and transfers the functions of the Stephen P. Teale Data Center, Health and Human Services Agency Data Center, and Telecommunications Division of the Department of General Services to the new department. The plan also creates an advisory Technology Service Board comprised of the largest consumers of data center services. **Plan takes effect July 9, 2005**

Health Care

Emergency Care

SB 57 (Alarcón) – Allows counties to levy additional penalties upon existing fines, penalties, and forfeitures for certain crimes to support emergency medical services. Earmarks part of the revenues for pediatric trauma centers. **Vetoed**

Health Insurance

SB 367 (Speier) – Enacts the Patient and Provider Protection Act. Requires the Department of Insurance to establish a Web page dedicated exclusively to processing complaints and inquiries relating to health insurance issues from consumers and their health care providers. **Chapter 723, Statutes of 2005**

SB 375 (Speier) – Conforms California's Medicare Supplement (Medigap) coverage provisions to federal law. **Chapter 206, Statutes of 2005**

SB 576 (Ortiz) – Requires health plans and health insurers that provide outpatient prescription drug benefits to include coverage for tobacco cessation services. Requires tobacco cessation services to include two courses of treatment in a twelve-month period. Imposes limits on co-payments and deductibles for these tobacco cessation services. **Vetoed**

AB 228 (Koretz) – Prohibits health care service plans and health insurers from denying coverage for organ or tissue transplants on the basis that an enrollee, subscriber, insured, or policyholder is infected with HIV. **Chapter 419, Statutes of 2005**

AB 356 (Chan) – Requires health plans that deny coverage to individuals or that offer individual coverage at a rate higher than the standard rate to inform applicants of the reasons. Also requires health plans and insurers to have written policies, procedures, and underwriting guidelines for making decisions to provide or deny coverage to individuals and setting the rate for that coverage. **Chapter 526, Statutes of 2005**

AB 1533 (Bass) – Allows individuals and their dependents who lose Healthy Families coverage because of a change in age or income to enroll in their employers' health benefit plans within thirty days after losing coverage without being deemed a late enrollee. **Chapter 542, Statutes of 2005**

AB 1698 (Núñez) – Prohibits health plan contracts or insurance policies that cover dependent children from establishing a limiting age for coverage of less than twenty-six years of age. **Vetoed**

Hospitals

SB 708 (Speier) – Requires the Department of Health Services to develop a standard contract for private nonprofit hospitals which would require a hospital that elects to participate in the drug discount program established under federal law to agree to provide ongoing charity care. **Chapter 207, Statutes of 2005**

SB 917 (Speier) – Enacts the Hospital Transparency Act of 2005. Requires the Office of Statewide Health Planning and Development to compile and publish on its Web site the top twenty-five most common Medicare diagnostic related groups and the average charge for each of the groups per hospital. **Vetoed**

SB 1100 (Perata and Ducheny) – Enacts the Medi-Cal Hospital/Uninsured Care Demonstration Project Act. Establishes a statutory framework to implement a five-year federal Medicaid waiver that provides federal funding to pay certain public, private, and district hospitals for services provided to Medi-Cal and uninsured patients. **Chapter 560, Statutes of 2005**

AB 1045 (Frommer) – Requires hospitals to compile a list of the twenty-five most common outpatient procedures and submit a list of its charges for these procedures to the Office of Statewide Health Planning and Development. Also requires that office to publicize information on the twenty-five most commonly performed inpatient procedures and each hospital's average charge for those procedures. Requires a hospital to provide a person without health coverage, upon request, a written estimate of the amount the hospital will require the person to pay for the health care services, procedures, and supplies that are reasonably expected to be provided by the hospital. **Chapter 532, Statutes of 2005**

Mental Health

SB 570 (Migden) – Creates a procedure for minors who are under juvenile court jurisdiction due to delinquent conduct to be evaluated by qualified, licensed mental health professionals for mental disorders, emotional disturbances, or developmental disabilities. The bill also establishes procedures for courts to follow for juveniles who the licensed professionals have found to have mental disorders. The procedures

include development of treatment plans and dispositional orders consistent with the protection of the public and the minors' mental health treatment needs. **Chapter 265, Statutes of 2005**

AB 217 (Vargas) – Requires the Department of Corrections and Rehabilitation, the Department of Mental Health, and any other official in charge of a place of confinement to notify the administrator of a long term care health facility before releasing a registered sex offender to reside in the health facility. **Chapter 466, Statutes of 2005**

AB 599 (Gordon) – Includes within the priority for county mental health trust fund expenditures, veterans in need of mental health services who are ineligible for care by the federal Department of Veterans Affairs or other federal health care providers. Also requires counties to refer veterans to the county veterans service officers, if any, prior to denying eligibility for county-funded mental health services. **Chapter 221, Statutes of 2005**

Obesity

SB 12 (Escutia) – Revises elementary school nutrition standards and adopts new secondary school nutrition standards starting July 1, 2007. For elementary schools the revisions reduce the allowable fat, sugar, and calorie content of specified foods sold outside of federal reimbursable meal programs. For middle, junior, and high schools, the bill imposes fat, sugar, and calorie standards for all foods sold outside of federal reimbursable meal programs. The standards do not apply to foods sold thirty minutes or more after the end of the school day. The bill encourages school boards to annually review their compliance with nutrition standards and authorizes the superintendent of public instruction to monitor school district compliance with the standards. **Chapter 235, Statutes of 2005**

SB 965 (Escutia) – Modifies the list of beverages allowed to be sold to pupils at elementary, middle, or junior high schools and extends those restrictions to high schools. Starting July 1, 2007, the bill phases in over several years additional restrictions on sales of beverages at high schools, specifying that only certain beverages (not sodas) can be sold at schools during school hours or within thirty minutes before and after school, with specified exceptions. The bill also states legislative intent that school district governing boards annually review district compliance with these restrictions on beverage sales. **Chapter 237, Statutes of 2005**

Prescription Drugs

SB 644 (Ortiz) – Prohibits a pharmacist or other health care licensee from refusing to fill a prescription, with limited exceptions. A licensee may only object to filling a prescription on ethical, moral, or religious grounds if the licensee previously notified his or her employer of the

objection and the employer can reasonably accommodate it. The bill also requires the licensee's employer to establish protocols to ensure that a patient has timely access to the prescribed drug or device. **Chapter 417, Statutes of 2005**

SB 798 (Simitian) – Establishes a voluntary drug repository and distribution program to distribute surplus medications to persons needing financial assistance to ensure access to necessary pharmaceutical therapies. **Chapter 444, Statutes of 2005**

AB 73 (Frommer and Chan) – Requires the Department of Health Services to establish a Web site to provide information to California residents and health care providers about options for obtaining prescription drugs at affordable prices. **Vetoed**

AB 78 (Pavley) – Requires pharmacy benefits managers to disclose certain information to their clients, including drug utilization information, specified financial arrangements, and revenues that the pharmacy benefit managers receive. **Vetoed**

AB 1359 (Chan) – Requires a prescription drug plan's sponsor to get a Department of Managed Health Care or Department of Insurance license, in addition to federal authorization under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, in order to provide Medicare prescription drug benefits in California. **Chapter 230, Statutes of 2005**

Public Health

SB 484 (Migden) – Enacts the California Safe Cosmetics Act of 2005 to require cosmetics manufacturers to provide a list of their products containing cancer-causing or reproductively-toxic ingredients. Authorizes the Department of Health Services to investigate cosmetics that contain chemicals that cause cancer or reproductive toxicity and requires manufacturers to give the department relevant health effects data, with criminal penalties for failing to submit the data. The department will refer violations to the Department of Industrial Relations, to the state attorney general, or the federal Food and Drug Administration for possible enforcement action. **Chapter 729, Statutes of 2005**

SB 600 (Ortiz and Perata) – Enacts the Healthy Californians Biomonitoring Program. Requires that the program use biospecimens to identify toxic chemicals that are present in Californians' bodies. Requires that the program conduct biomonitoring voluntarily and confidentially. **Vetoed**

SB 688 (Speier) – Enacts the Skin Cancer Prevention Act for California Schools. Requires the Department of Health Services to give the superintendent of public instruction a list of skin cancer prevention education resources for use in elementary and secondary schools, and

requires the Department of Education to educate pupils in grades one through six on skin cancer prevention. The bill also requires the Department of Education to report to the Legislature on options for providing shade on public school playground structures. **Vetoed**

AB 121 (Vargas) – Prohibits the sale of candy with lead levels that exceed the naturally occurring level as determined by the Office of Environmental Health Hazard Assessment. Requires the Department of Health Services to regulate candy's lead content and test candy to determine the presence of lead that exceeds naturally occurring levels. Implementation of this bill in any fiscal year is conditional on sufficient funding. **Chapter 707, Statutes of 2005**

AB 547 (Berg and Richman) – Creates the Clean Needle and Syringe Exchange Program. Eliminates the current requirement that a public entity declare a local emergency in order to operate a needle exchange program. Authorizes a county to establish a clean needle and syringe exchange program as part of a network of comprehensive services to combat the spread of HIV and blood-borne hepatitis infection among injection drug users. **Chapter 692, Statutes of 2005**

AB 1142 (Dymally) – Establishes the Statewide African American Initiative to address the disproportionate impact of HIV/AIDS on the health of African Americans by coordinating prevention and service networks around the state to increase the capacity of core service providers. Implementation of this bill is conditional on sufficient nonstate funding. **Chapter 403, Statutes of 2005**

AB 1278 (Emmerson) – Revises the management and collection of information included on certificates of live births and fetal deaths. **Chapter 430, Statutes of 2005**

AB 1597 (Laird) – Allows a public agency that receives General Fund money from the Department of Health Services for HIV prevention and education to use it to support clean needle and syringe exchange projects. **Vetoed**

Publicly Funded Health Insurance Programs

SB 377 (Ortiz) – Requires the Department of Health Services to inform Denti-Cal and other Medi-Cal providers that prevention and treatment of dental and periodontal disease is a covered benefit for all pregnant beneficiaries. The budget includes funds for these services, and the bill expedites them. **Chapter 643, Statutes of 2005**

AB 89 (J. Horton) – Requires the Department of Health Services and the Managed Risk Medical Insurance Board to post on their Web sites a list of all employers with twenty-five or more employees enrolled in the Medi-Cal, Healthy Families, and Access for Infants and Mothers programs, or

who support persons enrolled in those public health care programs.
Vetoed

AB 522 (Plescia and Bogh) – Prohibits the Department of Health Services from paying for any prescription drug or other therapy to treat erectile dysfunction for registered sex offenders, and authorizes the Department of Justice to share information with the Department of Health Services concerning registered sex offenders for this purpose.
Chapter 469, Statutes of 2005

AB 624 (Montañez) – Requires the Department of Health Services and the Managed Risk Medical Insurance Board to implement a single process that parents can use to apply for health care for their children under the Medi-Cal and Healthy Families programs. The joint process is to be operating by July 1, 2007. Implementation of this bill is conditional on sufficient funding. **Vetoed**

AB 688 (Matthews) – Directs the Department of Health Services to inform county operated health plans of their obligation to pay any rate increases to the designated intermediate care facilities that are a result of increases made pursuant to the quality assurance fee. Requires the department to devise a method to ensure that funding can be advanced to county-operated health plans for this purpose. Also requires the department to convene a work group to review cost-reporting, audit, and rate-setting requirements for intermediate care facilities. **Vetoed**

AB 772 (Chan and Frommer) – Creates the California Healthy Kids Insurance program, a partnership of the Managed Risk Medical Insurance Board and the Department of Health Services. Requires the board and the department to continue to administer the Healthy Families program and the children's portion of the Medi-Cal program in accordance with all existing requirements and to coordinate their respective administration of each program under the Healthy Kids program. Raises maximum Healthy Families income eligibility from 250 percent to 300 percent of the federal poverty level and increases the Medi-Cal income eligibility floor for children from 100 percent to 133 percent of the poverty level. Limits documentation required for Healthy Kids enrollees to that required by federal law and makes numerous other changes to simplify enrollment. **Vetoed**

AB 1199 (Frommer and Chan) – Creates the California Healthy Kids Fund in the state treasury to receive contributions to expand children's health insurance under the Healthy Kids program to be created by AB 772. States that private contributions constitute charitable contributions for purposes of state income tax law. **Vetoed**

AB 1735 (De La Torre and Aghazarian) – Provides that existing law requiring payments for Medi-Cal providers be reduced by 5 percent, with some exceptions, shall not apply with respect to services provided

between January 1, 2004, and December 31, 2005. **Chapter 719, Statutes of 2005**

AB 1736 (Levine) – Requires the Department of Health Services to test the efficacy of the chronic care model in providing a disease management benefit for Medi-Cal beneficiaries with asthma or diabetes in community-based and public hospital system primary care settings. **Vetoed**

Other

SB 18 (Ortiz and Runner) – Requires the state auditor to conduct a performance audit of the California Institute for Regenerative Medicine and the Independent Citizens Oversight Committee, created by the California Stem Cell Research and Cures Act voter initiative. Establishes guidelines for pharmaceutically induced manipulation of female egg or egg cell production through use of ovarian stimulation. **Vetoed**

SB 190 (Cedillo and Alarcón) – Allows the California Facilities Financing Authority to award grants to eligible clinics for financing capital outlay projects. Also allows the authority to distribute funds resulting from the merger of Anthem, Inc. and WellPoint to nonprofit, community-based clinics serving low-income health care consumers. **Chapter 493, Statutes of 2005**

SB 643 (Chesbro) – Authorizes the Department of Health Services to seek federal approval to use federal funds to allow 500 more Medi-Cal recipients who would otherwise reside in nursing homes, including persons with disabilities, to instead receive care in community settings. **Chapter 551, Statutes of 2005**

SB 650 (Ortiz) – Continues the Department of Health Services' Improving Access, Counseling, and Treatment program that provides prostate cancer treatment to low-income uninsured and underinsured men. The bill appropriates \$2.4 million for the program, limits administrative costs, and requires the department to submit a program evaluation to the Legislature by July 1, 2006. **Chapter 442, Statutes of 2005**

SB 666 (Aanestad) – Increases the capacity of a congregate living health facility from no more than six beds to no more than twelve beds, with certain exceptions as provided in existing law. (A congregate living health facility is a residential home that provides inpatient care, including medical supervision, to persons who are diagnosed with a terminal or life-threatening illness or who are catastrophically and severely disabled.) **Chapter 443, Statutes of 2005**

SB 869 (Bowen) – Establishes the Nurse-Family Partnership as a voluntary nurse home visiting grant program to provide perinatal services to expectant first-time mothers and their families. Requires that

the program be implemented only to the extent that funds are appropriated by the Legislature. **Vetoed**

AB 800 (Yee) – Requires all hospitals, clinics, physician's offices, and other health facilities to identify a patient's principal spoken language on the patient's health records. **Chapter 313, Statutes of 2005**

AB 819 (Ridley-Thomas) – Permits taxpayers to make donations to the California Colorectal Cancer Prevention Fund when they submit their state tax forms. The bill requires money contributed to the fund and appropriated by the Legislature to be allocated to the Franchise Tax Board, the controller, and the Department of Health Services for grants for colorectal cancer prevention. The option for donations will not appear on the tax forms until another, existing option for voluntary donations is removed from the return because that existing option generates less than \$250,000 in contributions annually. **Chapter 697, Statutes of 2005**

AB 1674 (Richman and Nation) – Requires the Health and Human Services Agency to contract with an academic institution or public policy research institution for the establishment of a Center of Quality Health Care. Requires the center to conduct research regarding medical treatment data and develop evidence-based guidelines and best practices using medical and scientific evidence. Requires that funding for the center be provided solely from private funds. **Vetoed**

AB 1676 (Richman and Nation) – Establishes the Advance Directives and Terminal Illness Decisions Program. Requires the secretary of state to work with the Department of Health Services and the attorney general to develop information regarding end-of-life care and advance health care directives. **Chapter 434, Statutes of 2005**

Health Care and Related Changes Enacted in the State Budget Process

The 2005-06 budget agreement included three health trailer bills:

SB 88 (Ducheny) – Allows funds from Proposition 99 (the 1988 tobacco tax initiative) in the Physician Services Account and the Hospital Services Account to provide health services through any program funded in part by the federal government. Appropriates \$46.1 million from the two accounts to the Department of Health Services for the prior year for enhancements to hospital Medi-Cal outpatient reimbursement rates. **Chapter 14, Statutes of 2005**

AB 794 (Chu) – Restricts the Department of Health Services and the Managed Risk Medical Insurance Board from using federal State Children's Health Insurance Program money to fund medically necessary pregnancy-related services for certain immigrant women under the Medi-Cal program and to fund services for women under the Access for Infants

and Mothers Program to these cases when, during the period of coverage, the woman is the beneficiary. **Chapter 23, Statutes of 2005**

AB 131 (Assembly Budget Committee) – The major provisions of the bill included the following:

- Caps adult Medi-Cal dental services starting in 2006
- Conforms Medi-Cal to federal law relating to the Medicare Part D Drug Program
- Allocates \$24.8 million in Proposition 99 tobacco tax funds to emergency physicians for uncompensated care in hospital emergency rooms
- Requires that any state grants to local emergency medical service agencies for trauma care centers go to trauma care centers that care for a high percentage of uninsured patients. Specifies that local emergency medical service agencies shall determine the distribution of funds based on state criteria
- Enables the Managed Risk Medical Insurance Board to provide assistance to counties in the development and expansion of their locally funded Healthy Kids programs. Allows the board to make federal funds available on approval by the federal government
- Requires the Department of Health Services to give the Legislature a quarterly update on core activities to improve the Medi-Cal Managed Care Program and to expand to thirteen new counties as the budget directs
- Requires the Department of Health Services to provide the Legislature, by July 1, 2009, data comparing the baseline study of nurse staffing levels released in May 2002 to the full implementation of the nurse-to-patient ratios on January 1, 2008
- Authorizes a county to temporarily enroll children into no-cost Medi-Cal if the county deems that the child is eligible for the Healthy Families program. Allows up to sixty days of coverage for children while they await enrollment in Healthy Families
- Continues rate freezes and several other forms of cost containment related to the purchase of services for individuals with developmental disabilities
- Requires the Department of Developmental Services to include explicit language in its contracts with regional centers to require each center to use funds allocated in the 2005 budget for complying with Medicaid Home and Community-Based Services Waiver requirements
- Enables the Department of Mental Health to restructure how it provides treatment to persons designated as sexually violent predators who are in state hospitals
- Requires the Department of Mental Health to report to the Legislature on implementation of Proposition 63, the 2004 mental health services initiative. **Chapter 80, Statutes of 2005**

Housing

Affordable Housing Development

SB 326 (Dunn) – Prohibits a local government from requiring conditional use permits for duplexes, triplexes, and fourplexes where the local zoning ordinance allows these attached-housing developments. **Chapter 598, Statutes of 2005**

SB 527 (Alquist) – Requires local development agencies to allocate their low- and moderate-income housing funds on senior housing in at least the same proportion as the number of low-income households with a member sixty-five or older to the total number of low-income households in the community. **Chapter 262, Statutes of 2005**

SB 575 (Torlakson, Ducheny, and Dunn) – Limits the ability of local governments to turn down affordable housing developments without legitimate health and safety justifications in cases where the community has not yet met its affordable housing needs or provided adequately zoned sites to accommodate the need. The bill further clarifies a court's ability to require approval of a project when the law has been violated and allows a court to impose civil penalties if the community acted in bad faith. **Chapter 601, Statutes of 2005**

SB 1087 (Florez) – Requires water and sewer service providers to give priority to hookups for housing developments that help the community meet its share of the regional low- and moderate-income housing needs. **Chapter 727, Statutes of 2005**

AB 712 (Canciamilla) – Extends until 2009 the requirement that a court award reasonable attorney's fees and court costs to a plaintiff who proves that a local government violated the law by reducing the net number of housing units that can be built in the city or county after the state approved the housing element of the local general plan. **Vetoed**

AB 1227 (Torrico) – Expands existing law prohibiting discrimination based on income and other factors in multifamily residential projects or emergency shelters to include continuing care retirement communities. The bill attempts to discourage local governments from illegally denying

affordable housing by generally requiring that local agencies violating antidiscrimination provisions be assessed attorney's fees. These amendments to existing law will be in effect until December 31, 2008, when these new provisions will expire. **Vetoed**

AB 1233 (Jones) – Requires a local government to rezone enough land to make up for any shortage of adequate housing development sites from the previous five-year planning period. **Chapter 614, Statutes of 2005**

AB 1390 (Jones) – Extends the statute of limitations to ten years for enforcing local redevelopment agencies' low- and moderate-income housing obligations. **Chapter 409, Statutes of 2005**

AB 1512 (Garcia) – Allows the California Housing Finance Agency to use up to \$75 million from the California Housing Downpayment Assistance Program to make short-term loans for the acquisition of land and the development of for-sale housing. **Chapter 338, Statutes of 2005**

Affordable Housing Preservation

Since the 1960s nearly 150,000 units of affordable rental housing have been developed in California with state and federal subsidies that required owners to maintain rents at affordable levels for specified periods, typically thirty to fifty-five years. Once affordability obligations expire, owners are eligible to renew the terms of their assistance, and thus preserve affordability, or convert the developments to market rate. Owners can also terminate their obligations by prepaying the mortgage or opting out of the rental assistance contracts.

SB 950 (Torlakson) – Helps preserve the affordability of subsidized housing units when they become eligible for conversion to market rate by expanding the definition of "at risk" of conversion for purposes of applying for low-income housing tax credits; clarifying tenant protections when mortgage revenue bonds are prepaid; and clarifying requirements for notice to tenants, local and state governments, and potential preservation purchasers when affordability requirements are expiring. **Chapter 501, Statutes of 2005**

Condominium Conversions

AB 14 (Harman) – Prohibits a county assessor from assigning parcel numbers or taking other actions for subdividing an existing residential property until the owner records the subdivision final map or parcel map. The bill is intended to make it more difficult for a rental-property owner to convert residential units to condominiums without local government approval. **Chapter 281, Statutes of 2005**

Earthquake Safety

AB 304 (Hancock) – Allows local governments to establish seismic retrofit standards for wood-frame multi-unit residential buildings whose ground floors contain parking or open floor space that causes soft, weak, or open front walls. **Chapter 525, Statutes of 2005**

Fair Housing

AB 394 (Niello) – Makes it easier for property owners to petition the county to remove discriminatory covenants from property deeds, such as those barring persons of specific racial or ethnic backgrounds from owning property. The bill allows a single property owner to modify a restrictive covenant located in covenants, conditions, and restrictions for an entire subdivision. **Chapter 297, Statutes of 2005**

Homeowners Associations

SB 61 (Battin) – Requires secret ballots and other procedural safeguards for elections in common interest development homeowners associations. **Chapter 450, Statutes of 2005**

SB 137 (Ducheny, Dunn, and Figueroa) – Provides that, after January 1, 2006, foreclosure is not permitted as a remedy when a common interest development association seeks to collect delinquent assessments that are less than \$1,800 and less than twelve months delinquent. As an alternative, the bill permits associations to seek sums less than \$1,800 in small claims court. Associations will also be permitted to record a lien on the owner's separate interest. **Chapter 452, Statutes of 2005**

AB 1098 (Jones) – Requires common interest development homeowners associations to make available all association records, not just accounting records and meeting minutes, to association members. The bill also applies this provision to related community service organizations and increases civil penalties for a violation of these provisions. **Chapter 458, Statutes of 2005**

Housing Code Enforcement and Cleanup

AB 769 (J. Horton) – Allows a housing code enforcement agency to seek a court order requiring a rental housing owner to attend an education class on laws covering rental housing if the owner has failed to comply with a code enforcement order. **Vetoed**

AB 1078 (Keene and Liu) – Enacts the Methamphetamine Contaminated Property Cleanup Act, establishing standards for determining when a property, contaminated as a result of methamphetamine activity, is safe for human occupancy. Requires a property owner to remove the occupants of a methamphetamine-contaminated property, and clean up the property, on a local health

officer's order. Authorizes a local government either to clean up property that is not remediated in compliance with a local health officer's order or to seek a court order requiring the property owner to remediate the property. Authorizes the local government to impose a lien if the owner fails to pay for the costs of remediation. **Chapter 570, Statutes of 2005**

Mobilehomes and Manufactured Housing

SB 40 (Dunn) – Allows the Department of Housing and Community Development to ask a court to put a mobilehome park into receivership if it has substantial uncorrected health and safety violations. **Vetoed**

SB 198 (Lowenthal) – Requires the Department of Housing and Community Development to implement minimum standards for installing and altering mobilehomes and manufactured housing in compliance with federal requirements, and to establish a program to train and certify persons who install mobilehomes and manufactured housing. Prohibits any person from installing mobilehomes or manufactured housing without state certification. **Vetoed**

SB 237 (Migden) – Prohibits mobilehome park rental agreements that give the park management the right of first refusal to buy owners' mobilehomes that the owners offer for sale. **Chapter 35, Statutes of 2005**

SB 765 (Dunn) – Gives the Department of Housing and Community Development power to order a mobilehome park owner to clean up wastewater or sewage deposited on the ground by leaking plumbing, including sewage from permanent building in the park, in accordance with local environmental health standards. Clarifies that a mobilehome owner is responsible for sewage spills from the plumbing on his or her mobilehome space. **Vetoed**

Human Services

CalWORKs and Food Stamps

AB 696 (Chu) – Exempts many food stamp applicants from the requirement that, as a condition of eligibility, they be fingerprinted for a statewide fingerprint data base. However, fingerprinting requirements continue to apply to food stamp applicants who also apply for specified other benefits, such as CalWORKs. The bill also moves responsibility for management of the fingerprint imaging system from the Department of Social Services to the Office of Systems Integration in the new Department of Technology Services. **Vetoed**

AB 855 (Bass) – Allows parents convicted of felony drug use or possession to receive CalWORKs assistance if they can document successful completion of, current participation or enrollment in, or placement on a waiting list for drug treatment programs. CalWORKs will provide these persons income for housing and will provide them drug treatment and employment-related services. This bill is intended to avoid foster care placement of children by providing eligible parents with these services. **Vetoed**

Child Care

SB 640 (Escutia) – Appropriates \$5 million in federal child development funds to continue local programs of training and technical assistance to child care providers to increase their capacity to care for children with disabilities. **Chapter 379, Statutes of 2005**

SB 701 (Migden) – Authorizes the City and County of San Francisco to develop a child care subsidy pilot project, with local government policies superseding state law regarding eligibility criteria, family fees and copayments, provider reimbursement rates, and methods of maximizing the efficient use of subsidy funds. Requires child care subsidies to address local needs, conditions, and priorities of working families. **Chapter 725, Statutes of 2005**

AB 1285 (Montañez) – Authorizes Los Angeles County to use unexpended funds to retain qualified workers in licensed child care

programs that serve a majority of children who receive subsidized child care services. **Chapter 650, Statutes of 2005**

AB 1565 (Pavley and Benoit) – Requires the Department of Education to hire an independent contractor to study the development, implementation, and evaluation of a quality rating system for child care facilities. Appropriates \$1.8 million in one-time federal funds for the study. **Vetoed**

Community Care Licensing

SB 141 (Soto) – Provides a 100 percent refund of preadmission fees to an elderly residential care facility applicant who decides against entering the facility before the facility completes the preadmission appraisal or, if the facility fails to provide full written disclosure, of the preadmission fees and refund conditions. **Chapter 250, Statutes of 2005**

SB 244 (Romero) – Expands the rights of continuing care retirement community residents to include the same rights as residents of residential care facilities for the elderly, as well as additional rights. Among residents' rights specified in the bill are the right to manage their own financial affairs and the right to file complaints with the state. The bill also revises the content of continuing care retirement community contracts to include criteria for resident transfers, residents' right to have the Department of Social Services review the transfer process, their right to certain notifications, and their right to seek assistance from the local long-term care ombudsperson. The bill also requires these contracts to include statements of billing practices, procedures, timing of payments, and limits on late payment fees. The bill requires continuing care retirement communities to post notices of residents' rights and specifies civil penalties for their violations. **Chapter 454, Statutes of 2005**

SB 962 (Chesbro) – Requires the Department of Social Services and the Department of Health Services, as part of a pilot project, to establish a new licensing category for community care residential facilities providing twenty-four-hour services to up to five medically fragile adults with developmental disabilities. These adult residential facilities for persons with special health care needs will be licensed jointly by the two departments. The bill requires the Department of Social Services to conduct criminal background checks on employees and perform other licensing functions for these facilities. The bill also authorizes an independent evaluation of the pilot project and requires a report to the Legislature by 2009. **Chapter 558, Statutes of 2005**

Disabilities

SB 418 (Escutia) – Consolidates two existing loan programs to assist persons with disabilities to get transportation and buy assistive technology for work or independent living. Modifies eligibility for the loans. **Chapter 549, Statutes of 2005**

SCR 51 (Perata) – Establishes the Legislative Blue Ribbon Commission on Autism to study issues including early identification and intervention. The Commission is required to report its findings and recommendations to the governor and the Legislature no later than September 30, 2007.

Resolution Chapter 124, Statutes of 2005

Foster Care

SB 358 (Scott) – Exempts babysitters from requirements for fingerprinting and criminal records clearances when foster care providers choose them to temporarily supervise the foster children in their care. This bill applies only to babysitting provided for less than twenty-four hours and requires caretakers to use a reasonable and prudent parent standard in selecting babysitters. **Chapter 628, Statutes of 2005**

SB 436 (Migden) – Requires counties to plan for the unmet transitional housing needs of pregnant youth and teen parents who are emancipating from foster care and to report on the availability of housing for these youth. **Chapter 629, Statutes of 2005**

SB 500 (Kuehl) – Creates a new category of licensed foster care homes, called whole family foster homes, in which teen parents in foster care and their children are placed in the same facilities and both receive support services. The bill also establishes that a child shall not become a dependent child of the court and be considered at risk of abuse or neglect solely because the child's parent is in foster care. In addition the bill provides if the teen parent has custody of a child that is not a dependent of the court, visitation by the child's noncustodial parent and appropriate family members shall be allowed unless the court finds clear and convincing evidence that visitation would be detrimental.

Chapter 630, Statutes of 2005

SB 726 (Florez) – Enacts Adam's Law that provides when a social worker (with subsequent court approval) removes a child from a custodial parent due to suspected abuse or neglect and places the child with the noncustodial parent, the court may order a social worker to conduct a home visit and file a report with the court within three months. The bill also requires a social worker to give the child's current caregiver (such as a grandparent) a caregiver information form to obtain information regarding a noncustodial parent who is seeking custody of a child, before the child is placed with that parent. **Chapter 632, Statutes of 2005**

AB 363 (Chu) - Continues a 2003 reform of the child protective services' system that established county goals and outcome indicators. Expands requirements for reporting to the Legislature whether counties are meeting program goals for children, including reduced time in foster care, fewer changes in foster care placements, and increased placements with relatives. Requires the Department of Social Services to report to the

Legislature the findings of county program assessments, county recommendations for improvements, and barriers to making those improvements. Revises allocation of funding to counties for the child protective services system reform in order to enhance federal funding. **Chapter 296, Statutes of 2005**

AB 519 (Leno) – Allows a child who has been in foster care at least three years without being adopted, and for whom the child protective services agency and the court no longer consider adoption a permanent plan, to petition the juvenile court for reinstatement of the parental rights of his or her parent or parents. **Chapter 634, Statutes of 2005**

AB 824 (Chu) – Extends from twenty-one to twenty-four the age limit for a former foster youth to be eligible for select transitional foster youth housing programs. Receipt of such services is limited to two years. **Chapter 636, Statutes of 2005**

AB 880 (Cohn) – Requires the Department of Social Services to encourage the development of methods to ensure that when foster children cannot be reunited with their parents, there are thorough searches for other relatives who are available to care for the children before the courts make any permanent placement decisions. Also requires the department to use more advanced technology to identify relatives and nonrelative extended family members at the earliest possible time. **Vetoed**

AB 1261 (Leno) – Revises requirements that foster children attend local schools by clarifying the child's right to remain in his or her school of origin or a school that the child has attended in the past fifteen months. Pending a dispute resolution process, a foster child will have the same rights to attend a school as are available to all other pupils. The bill also adds nonpublic, nonsectarian schools serving children in foster care to the list of schools for which development of an alternative academic progress accountability system is required and enhances the court's authority to temporarily limit parents' rights to make educational decisions for a child if recommended by the child protective services agency. **Chapter 369, Statutes of 2005**

AB 1412 (Leno) – Requires county social workers to try to maintain relationships between a foster child over age ten and those persons who are important to the child. The bill also gives a child a right to be involved in developing his or her own permanent out-of-home placement plan, when age and developmentally appropriate, and gives a child over twelve the right to a copy of that placement plan. **Chapter 640, Statutes of 2005**

AB 1633 (Evans) – Extends foster care eligibility beyond age eighteen for youth pursuing high school equivalency certificates, instead of just high school diplomas, and declares the Legislature's intent that foster youth be informed of their educational rights. The bill also requires the state to

establish by December 2006 guidelines on how counties can assist foster children with disabilities in obtaining Social Security and Supplemental Security Income benefits, to be set aside for use in the children's transition to financial independence at age eighteen. **Chapter 641, Statutes of 2005**

In-Home Supportive Services

AB 477 (Baca) – Authorizes the Department of Social Services to establish a four-year pilot program in three counties allowing certain persons to buy Medi-Cal or In-Home Supportive Services that they would receive without charge if they had slightly less income. The bill prohibits an applicant's eligibility assessment for the regular In-Home Supportive Services program from being delayed while the applicant is assessed for this pilot project. Participating counties are required to evaluate the project. **Vetoed**

AB 778 (Mullin) – Prohibits car insurers from discriminating against persons who provide in-home supportive services to elderly, blind, or disabled persons by denying the caregivers insurance, charging them higher rates, or refusing to cover claims that arise when they are using their cars to provide services. **Vetoed**

AB 899 (Ridley-Thomas) – Authorizes In-Home Supportive Services providers to receive wages for up to six hours of prescribed training per year, if the training is approved by the Department of Social Services and meets collective bargaining agreement requirements. The bill also requires the Health and Human Services Agency to actively pursue federal funding for the training and prohibits training hours from counting against assessed hours for recipients. **Vetoed**

Proposition 10, the California Children and Families Act

SB 35 (Florez) – Expands auditing requirements under the California Children and Families Act of 1998. Requires the state controller to issue guidelines for the expanded audits of county children and families commissions and quality control functions, and requires the controller to present the final guidelines and an implementation plan to the state commission. Requires county commissions to submit annual audit reports and authorizes the state commission to withhold funds from county commissions who fail to report. **Chapter 243, Statutes of 2005**

AB 109 (Chan) – Adds three more requirements before a county children and families commission is eligible to receive its share of tobacco tax revenues – it must establish conflict of interest policies and procurement procedures, a limit on spending for administration, and employee salary and benefit policies and procedures. Requires the county commissions to measure program outcomes. **Chapter 284, Statutes of 2005**

Elder and Disabled Adult Abuse

SB 1018 (Simitian) – Allows county adult protective services offices to request specified financial information from financial institutions when investigating the financial abuse of elders or dependent adults. Allows financial institutions to comply with these requests. Requires that persons already required to report suspected elder abuse also must report suspected financial abuse and makes failure to report subject to a civil penalty. **Chapter 140, Statutes of 2005.**

AB 179 (Bermúdez) – Requires residential care homes to give to new residents written notice of their right to report known or suspected elder or dependent adult abuse, the state long-term care ombudsman's toll-free crisis line, and the number of the nearest local long-term care ombudsperson. **Chapter 456, Statutes of 2005**

Human Services and Related Changes Enacted in the State Budget Process

SB 68 (Senate Budget and Fiscal Review Committee) – Makes the statutory changes necessary to achieve over \$1 billion in savings in the state budget in 2005-06 and 2006-07. Among the numerous provisions, the bill:

- Suspends cost-of-living adjustments for CalWORKs recipients for two years
- Suspends cost-of-living adjustments of the state portion of the Supplemental Security Income/State Supplemental Payment program for two years
- Delays cost-of-living adjustments of the federal portion of the Supplemental Security Income/State Supplemental Payment program by three months (delaying the increases from January 1 to April 1) for two years
- Requires small child care homes to pay fees for criminal records background clearances for the owner or employees
- Requires the Department of Social Services and the Department of Alcohol and Drug Programs to report on the impact of the dependency drug court program and its interaction with the foster care program
- Requires the Department of Social Services to report how existing child welfare services staffing levels compare to maximum caseload standards recommended by a 1998 study and also requires counties to report on specified performance measures in child welfare services
- Clarifies the types of work or education activities that can be combined to meet CalWORKs recipients' work participation requirements
- Confirms the In-Home Supportive Services share-of-cost program to new federal waiver requirements to allow current clients to continue to receive care

Highlights of Legislative Accomplishments – December 2005

- Implements a new CalWORKs "pay for performance" program to allocate a portion of county funding in 2007-08 based upon performance achieved in 2006-07
- Clarifies that the state will not reimburse counties for special education expenses for seriously emotionally disturbed children if the counties receive specified state funding for foster care services to those children
- Requires the state to seek federal waivers that expand food stamp eligibility for able bodied adults without dependants when waivers are available in a county due to economic conditions, such as high unemployment. **Chapter 78, Statutes of 2005**

Judiciary

SB 399 (Escutia) – Clarifies that any lien filed by a health care provider who has rendered services to a Medi-Cal beneficiary to treat an injury caused by a third party shall be satisfied against the portion of any judgment, award, or settlement relating to past medical expenses. The lien shall not be capped at the Medi-Cal rate paid to the provider. The bill also establishes new procedures to resolve disputes between a Medi-Cal beneficiary and a health care provider regarding the appropriate amount of reimbursement to the provider out of the beneficiary's recovery against a third party. Counties' current lien rights against judgments are extended by this bill to also include settlements and arbitration awards when the county has provided hospital, medical, or similar care and treatment to a person who is injured or suffers a disease because of the tort of a third person. **Vetoed**

SB 645 (Dunn) – Establishes the Commission on the Unconstitutional Deportation of American Citizens During the 1930s to study and make recommendations by July 1, 2009, regarding the illegal deportation of U.S. citizens and permanent legal residents of Mexican descent between 1929 and 1944. The bill also creates the 1930s Repatriation Fund to make payments to eligible individuals and specifies that if an individual accepts payment from this fund or is identified by the fund and refuses to accept payment, this will satisfy any claims he or she might have against the state. **Vetoed**

AB 68 (Montañez) – Enacts the Car Buyer's Bill of Rights which, among other things, requires a car dealer selling a used vehicle for a purchase price under \$40,000 to offer the buyer, for a specified fee, a two-day cancellation option agreement, under which the buyer may return the vehicle without cause provided that certain conditions are met. The bill also prohibits a car dealer from advertising a used vehicle as "certified" or any similar descriptive term that implies the vehicle has been certified to meet the terms of a used vehicle certification program, unless specified conditions are satisfied. **Chapter 128, Statutes of 2005**

AB 254 (Nakanishi) – Specifies the notification and staffing requirements that a public or private K-12 school must meet when it voluntarily installs an automatic external defibrillator on school grounds and desires

immunity from civil liability resulting from any acts or omissions in using the defibrillator to render emergency care. **Chapter 111, Statutes of 2005**

AB 381 (Montañez) – Provides that an assault committed with the intent to capture any type of visual image, sound recording, or physical impression of the victim is subject to the remedies available for a physical or constructive invasion of privacy committed with the intent to capture any type of visual image, sound recording, or other physical impression. **Chapter 424, Statutes of 2005**

AB 758 (Calderon) – Makes any provision of a residential construction contract unenforceable to the extent it requires a subcontractor to indemnify the builder against liability for claims of construction defects or design defects that arise out of, pertain to, or relate to the negligence of the builder or the builder's other agents. This provision applies to all residential construction contracts entered into on or after January 1, 2006. **Chapter 394, Statutes of 2005**

AB 853 (Jones) – Increases the effectiveness of an earnings withholding order to collect delinquent taxes by providing that the order is effective until the delinquency is paid in full without the need to record a notice of tax lien. **Vetoed**

AB 985 (Torrico) – Requires that, when an employee returns from active duty in the National Guard or another part of the state militia and the employer has outsourced the employee's job to another country, the employer must pay the employee an amount equal to six months' salary. These payments would be considered wages for unemployment insurance purposes. **Vetoed**

AB 1158 (Lieber) – Strategic Lawsuits Against Public Participation (SLAPP suits) are lawsuits filed solely to prevent members of the public from participating in their government or from speaking out on public issues. In response to SLAPP suits, the Legislature first enacted an anti-SLAPP statute in 1992 creating a procedure for victims of SLAPP suits to get quick court rulings terminating them. In order to recover costs and damages, victims of SLAPP suits sometimes bring what has come to be known as SLAPPback suits. This bill sets forth procedures governing SLAPPback suits and makes clear that the anti-SLAPP statute may not be used to attack SLAPPback actions. **Chapter 535, Statutes of 2005**

AB 1179 (Yee) – Prohibits the sale or rental of violent video games to minors, and provides a cause of action and damages for violation of this statute. Each violent video game distributed in California must be labeled with a solid white "18" outlined in black. The fact that a video game is not labeled in this manner gives an affirmative defense to a retailer who sold or rented the game to a minor. The bill defines violent video game as a video game in which the range of options available to a player includes killing, maiming, dismembering, or sexually assaulting

an image of a human being, if those acts are depicted in the game in a manner as specified. **Chapter 638, Statutes of 2005**

AB 1507 (Pavley) – Requires a health studio – also known as a health club – to acquire, maintain, and train personnel in the use of automatic external defibrillators for a five-year period beginning July 1, 2007. Employees of the health studio, the facility's board of directors, and the facility itself are immunized from civil liability for injuries resulting from the rendering of emergency care with a defibrillator, except for injury or death that results from gross negligence or willful or wanton misconduct in the use, attempted use, or nonuse of the defibrillator. A facility's immunity is further conditioned on the facility complying with specified maintenance, training, and staffing requirements. After July 1, 2012, health studios opting to continue making defibrillators available will continue to be conditionally immunized from civil liability for injuries resulting from use or nonuse of the defibrillators so long as they comply with the specified maintenance, training, and staffing requirements. **Chapter 431, Statutes of 2005**

AB 1666 (Frommer) – Enacts the California Military Families Financial Relief Act of 2005 to provide financial relief to any service member called to active duty if that service lasts for at least thirty consecutive days. The protections include allowing the termination of cell phone contracts without penalty, providing credit for paid tuition and fees or refund of tuition and fees to enrolled students called to military service, waiver of membership dues for the State Bar for the duration of the active duty, and prohibiting utility companies from shutting off service for nonpayment during the period of active duty. **Chapter 345, Statutes of 2005**

Civil Rights

Proposition 209, approved in November 1996, banned discrimination or preferential treatment based on race, ethnicity, and gender in public employment, education, and contracting. The legal and legislative effects of Proposition 209 are still in flux. A 2001 court decision invalidated five state programs related to affirmative action and upheld provisions requiring the state to collect and report data on women, minorities, and other protected groups in state employment. **AB 124 (Dymally)** – Repeals the code sections that court decision invalidated, revises the remaining provisions in the State Civil Service Act dealing with affirmative action, renames the state's affirmative action program as the State Equal Employment Opportunity Program, and clarifies that the provisions requiring data collection and reporting on demographic groups in state employment include age, disability, ethnicity, gender, and race. **Chapter 644, Statutes of 2005**

AB 378 (Chu) – Extends the time to bring an action seeking penalties for an alleged violation of California's civil hate crimes statute from one year to three years after the incident. **Chapter 123, Statutes of 2005**

AB 849 (Leno, Núñez, Goldberg, Koretz, Laird, and Lieber) – Defines marriage as a union between two persons, making the definition gender-neutral and thereby permitting same-gender marriages in California.
Vetoed

AB 1400 (Laird) – Adds sexual orientation and marital status to the Unruh Civil Rights Act and related civil rights provisions, which provide that individuals, regardless of their sex, race, color, religion, ancestry, national origin, disability, or medical condition, are entitled to the full and equal accommodations, advantages, facilities, privileges, and services in all business establishments. The bill also imports definitions for disability, medical condition, religion, sex, and sexual orientation from the Fair Employment and Housing Act to the Unruh Civil Rights Act and related civil rights provisions. **Chapter 420, Statutes of 2005**

Courts, Judges, and Attorneys

Two identical measures, **SB 422 (Simitian), Chapter 600, Statutes of 2005** and **AB 1459 (Canciamilla), Chapter 618, Statutes of 2005**, increase the jurisdictional limit for small claims court actions from \$5,000 to \$7,500. The increased jurisdictional limit applies only to actions brought by natural persons. Actions brought by corporations, for example, remain subject to the prior limitations.

SB 894 (Dunn) – Provides enhanced protection for consumers from unlicensed persons engaged in the unauthorized practice of law. The bill gives the court and the State Bar authority to file actions to shut down the practice of nonattorneys practicing law, using the same procedures and remedies available in cases of disbarred or resigned attorneys practicing law. The bill authorizes the court to assume jurisdiction over the individual's practice in specified circumstances. **Chapter 273, Statutes of 2005**

AB 145 (Assembly Budget Committee) – Creates a uniform filing fee in civil court proceedings. The new uniform fee simplifies the civil filing fee structure by combining the current varied surcharges and add-on fees into one filing fee and thereby ensures consistency statewide in the fees courts charge for filing specified documents. **Chapter 75, Statutes of 2005**

Family Law

SB 594 (Torlakson) – Expands the prohibition against allowing custody or unsupervised visitation to a person who is a registered sex offender to also apply to parents who reside with registered sex offenders, unless the court finds there is no significant risk to the child and states its reasons on the record. **Chapter 483, Statutes of 2005**

SB 720 (Kuehl) – Authorizes district and city attorneys to pursue contempt actions for violating family court protective orders. The bill also requires family courts to enter protective orders directly into the statewide restraining order registry in the same manner that courts enter criminal protective orders in the registry. **Chapter 631, Statutes of 2005**

SB 1082 (Morrow and Ducheny) – Facilitates the process for activated military reservists and National Guard members to modify their child support orders before or after deployment out-of-state to reflect the change in income attributable to being called to active duty. Service members who do not avail themselves of these new procedures nonetheless have the ability to avoid interest and penalties that would not have been due if they had modified their support orders. This urgency bill also prohibits the court from changing custody and visitation orders solely on the basis of the service member's deployment out of state. **Chapter 154, Statutes of 2005**

SB 1088 (Bowen) – Prohibits ex parte communications in family court proceedings between the court, the attorneys for the parties, the child's attorney, and mediators and evaluators, subject to specified exceptions. Exceptions include cases involving domestic violence or when necessary to prevent harm to a child or party, and mediators and evaluators must still report suspected child abuse and neglect to child protective services. The bill directs the Judicial Council to adopt a rule by July 1, 2006, to implement these requirements. **Chapter 489, Statutes of 2005**

AB 99 (Cohn) – Extends from three to five years the maximum duration of domestic violence protective orders, stay-away orders, and residence exclusion orders before they may be renewed permanently. **Chapter 125, Statutes of 2005**

AB 429 (Chu) – Allows a law enforcement officer called to a workplace due to violence or a credible threat of violence to serve a protective order on the defendant verbally when a court has issued the order but it has not been served. Officers already have this authority when they come into contact with persons who are subject to unserved civil harassment, domestic violence, or elder abuse restraining orders. **Chapter 467, Statutes of 2005**

AB 978 (S. Runner) – Prohibits persons subject to civil harassment orders, workplace protective orders, juvenile protective orders, domestic violence protective orders, stalking protective orders, criminal protective orders, and elder or dependent adult protective orders from taking any action to obtain the address or location of protected persons or their family members, caretakers, or guardians, except under limited circumstances. **Chapter 472, Statutes of 2005**

Juvenile Law: Foster Care, Dependency, and Adoption

SB 116 (Dutton, Scott, and Simitian) – Eliminates the January 1, 2006, sunset date on California's safe surrender program for abandoned babies, allowing the program to continue indefinitely. **Chapter 625, Statutes of 2005**

SB 218 (Scott) – Provides that after a court terminates parental rights and before it grants a petition for adoption, a child may be removed from the home of a prospective adoptive parent only after notice and, if requested, after a hearing is held. These notice and hearing requirements do not apply if there is a risk of physical or emotional harm to the child. **Chapter 626, Statutes of 2005**

SB 302 (Scott) – Makes numerous technical and substantive changes to the laws addressing a birth parent's relinquishment of a child before an adoption can take place. One major change allows the child to be adopted without the presumed father's consent if presumed father status was conferred after the mother's relinquishment or consent to the adoption became irrevocable, or after the mother's parental rights have been terminated. **Chapter 627, Statutes of 2005**

SB 726 (Florez) – Enacts Adam's Law authorizing the juvenile dependency court, when placing a child with his or her noncustodial parent, to require a home visit be conducted within three months time and to retain jurisdiction over the matter. The bill also allows the child's foster parent to inform the court of any concerns he or she may have about placing the child with the noncustodial parent. **Chapter 632, Statutes of 2005**

AB 519 (Leno) – Allows a child who has been in foster care at least three years without being adopted, and for whom the child protective services agency and the court no longer consider adoption a permanent plan, to petition the juvenile court for reinstatement of the parental rights of his or her parent or parents. **Chapter 634, Statutes of 2005**

AB 1338 (Nation) – Seeks to protect noncitizen foster children from being deported simply because they had no opportunity to seek citizenship. The bill requires the courts, when in the best interest of the children, to appoint immigration attorneys for dependent or delinquent foster children who are unlikely to be reunified with their families. The immigration attorneys may pursue special immigrant juvenile status or any other appropriate legal avenues to keep the children from being deported once they reach eighteen years of age. The bill also requires adoption agencies to provide prospective adoptive parents with information regarding children's immigration status. Provisions of the bill requiring appointment of counsel are not effective until the Legislature appropriates funds to cover the costs. **Vetoed**

Privacy, Public Records, and Consumer Protection

SB 13 (Bowen) – Prohibits state agencies from releasing personal information to the University of California or a nonprofit educational institution conducting scientific research unless the research proposal has been reviewed and approved by the Committee for the Protection of Human Subjects (the state's institutional review board) for the Health and Human Services Agency. The bill also specifies data protection standards the committee must use to review research proposals.

Chapter 241, Statutes of 2005

SB 355 (Murray) – Enacts the Anti-Phishing Act of 2005, making it unlawful for any person, through the Internet or other electronic means, to solicit, request, or take any action to induce another person to provide identifying information by representing itself to be a business without the approval or authority of the business. **Chapter 437, Statutes of 2005**

SB 439 (Simitian) – Clarifies the types of records in the possession of public investment funds, which relate to alternative investments, that are subject to disclosure under the Public Records Act. For example, quarterly and annual financial statements of alternative investment vehicles, and records containing information regarding the portfolio positions in which alternative investment funds invest, are confidential and not subject to disclosure. However, the name, address, and vintage year of each alternative investment vehicle and the dollar amount of the commitment made to each alternative investment vehicle by the public investment fund are subject to disclosure. **Chapter 258, Statutes of 2005**

SB 802 (Simitian) – Prohibits any person who transacts business using debit cards from electronically printing more than the last five digits of the debit card account number on the receipt. **Chapter 445, Statutes of 2005**

SB 833 (Bowen) – Prohibits the facsimile transmittal of an advertisement describing the commercial availability or quality of any property, goods, or services to another person without that person's prior express invitation or permission. The bill exempts faxes sent by tax-exempt, nonprofit trade associations if specified conditions are met. The recipient of an unsolicited advertising fax may bring an action for a violation of the bill's provisions for injunctive relief, actual damages, or statutory damages of \$500 per violation, whichever is greater, or both injunctive relief and damages. If the violation was willful, the bill authorizes a court to award treble damages. **Chapter 667, Statutes of 2005**

SB 1018 (Simitian) – Enacts the Financial Elder Abuse Reporting Act of 2005, which extends mandated reporting requirements for financial abuse of an elder or dependent adult to all officers and employees of certain financial institutions. The bill requires any officer or employee of a financial institution who reviews or approves the elder's or dependent

adult's financial documents, records, or transactions in connection with providing financial services, and who within the scope of his or her employment has observed or has knowledge of an incident directly related to the transaction that reasonably appears to be financial abuse, to report that suspected abuse. **Chapter 140, Statutes of 2005**

AB 1595 (Evans and Spitzer) – Prohibits a person, business, or association from publicly posting or publicly displaying on the Internet the home address or telephone number of any elected or appointed official if that official has made a written demand of that person, business, or association to not disclose his or her home address or telephone number. The bill also prohibits any person, business, or association from soliciting, selling, or trading on the Internet the home address or telephone number of an elected or appointed public official with the intent to cause bodily harm to the official or other persons residing at the same address. **Chapter 343, Statutes of 2005**

Probate

SB 390 (Bowen) – Provides that any assignment of a person's interest in a decedent's estate, whether for cash or other consideration, must be in writing. The agreement must be provided to the beneficiary, printed in at least ten-point type, written in English and, if the discussion or negotiation was principally conducted in a language other than English, available in that other language. **Chapter 438, Statutes of 2005**

Legislation was enacted last year [AB 1910 (Harman), Chapter 775, Statutes of 2004] establishing the inheritance rights of a child conceived after a parent's death. This year's **AB 204 (Harman)** clarifies parts of that law, and expressly makes liable any person who receives a distribution from a decedent's estate when a posthumously conceived child had a superior claim to that distribution. The liability shall not exceed the fair market value of the property transferred, unless the person received the distribution from the estate through fraud. **Chapter 285, Statutes of 2005**

AB 541 (Harman) – Gives the probate court authority, until January 1, 2008, to require drug and alcohol testing of persons seeking guardianship or visitation in guardianship proceedings when the court determines that persons habitually, frequently, or continually use illegal controlled substances or habitually or continually abuse alcohol. The bill follows the same procedures that the Legislature established last year for drug and alcohol testing of parents seeking custody and visitation in family court. **Chapter 302, Statutes of 2005**

Labor and Employment

SB 102 (Ducheny) – Authorizes the Employment Training Panel to allocate funds for up to five licensed nurse training programs to provide career ladder training to nurse assistants or caregivers by waiving the program's minimum wage provisions and limitations on the maximum length of training. **Chapter 593, Statutes of 2005**

SB 174 (Dunn) – Allows employees to bring civil suits on behalf of themselves and others earning less than twice the state minimum wage to recover unpaid minimum wages or overtime compensation. **Vetoed**

SB 314 (Romero) – Authorizes the Employment Training Panel to allocate special employment training funds, which comprise up to 10 percent of the program's budget, for training workers in seasonal industries by waiving the program's minimum wage and employment retention provisions. **Vetoed**

SB 363 (Perata) – Requires each general acute care hospital, except rural general acute care hospitals, to establish a health care worker back injury prevention plan that includes identifying the need for lift teams, lifting devices, and lifting equipment, implement a "zero lift policy," and require lift team members receive specialized training. **Vetoed**

SB 488 (Soto) – Enhances penalties for third and subsequent convictions for contracting without a license and makes it a misdemeanor to violate workers compensation insurance requirements. **Chapter 205, Statutes of 2005**

SB 1023 (Dunn) – Provides for penalty payments to an injured worker who is forced to go to court to obtain an award that was previously ordered. **Vetoed**

AB 48 (Lieber) – Increases the minimum wage from \$6.75 to \$7.25 effective July 1, 2006, and to \$7.75 effective July 1, 2007. The bill also raises the minimum wage each year starting in January 2008 to match the rate of inflation. **Vetoed**

AB 169 (Oropeza) – Increases the damages an aggrieved employee may obtain if the employee wins a lawsuit against an employer based on payment discrimination due to gender. **Vetoed**

AB 391 (Koretz) – Provides unemployment insurance benefits to workers whose employers prevent them from entering worksites during trade disputes. **Vetoed**

AB 985 (Torrico) – Requires that when an employee returns from active duty in the National Guard or another part of the state militia and the employer has outsourced the employee's job to another country, the employer must give the employee six months' pay. These payments would be considered wages for unemployment insurance purposes. **Vetoed**

AB 1184 (Koretz) – Prohibits mandatory overtime for state nurses and certified nursing assistants, except under certain circumstances. **Vetoed**

AB 1310 (Núñez) – Prohibits an employer from offering an employee a financial incentive to resign voluntarily unless the employer provides an accurate written estimate of the tax consequences of the resignation, accurate written projections of the present value of all compensation that the employee may lose, and a period of twenty-one days for the employee to reconsider the acceptance of the offer. This prohibition only applies when an employer makes such an offer to twenty-five or more employees in a thirty-day period. **Vetoed**

AB 1669 (Chu) – Extends for minors the existing one-year statute of limitations for filing a complaint based on an unlawful employment practice under the Fair Employment and Housing Act. This bill says a minor harmed by an unlawful employment practice may file such a claim up to one year after reaching eighteen years of age. **Chapter 642, Statutes of 2005**

Local Government

SB 135 (Kehoe) – Rewrites the fifty-year-old Community Services District Law that governs more than 300 special districts, spelling out the districts' powers and duties, including their fiscal powers. **Chapter 249, Statutes of 2005**

SB 274 (Romero) – Codifies the common law doctrine that prohibits public officials from holding incompatible public offices. **Chapter 254, Statutes of 2005**

SB 287 (Cox) and AB 1511 (Evans) – Allows several counties to use the design-build method of contracting for public works projects. **Chapter 376, Statutes of 2005, and Chapter 350, Statutes of 2005**

SB 861 (Speier) – Allows cities and counties to enact dog breed-specific ordinances, but only for mandatory spaying and neutering and breeding-restriction purposes. Local jurisdictions that enact such ordinances are required to make quarterly reports providing dog bite data to the state public health veterinarian. **Chapter 668, Statutes of 2005**

SB 1069 (Soto) – Allows redevelopment agencies to refinance bond debt if the cost of servicing the debt is less than the existing bond. **Chapter 277, Statutes of 2005**

AB 1234 (Salinas) – Requires ethics training for counties, cities, and special districts' governing bodies and designated employees, and sets limits on local officials' compensation and expenses. **Chapter 700, Statutes of 2005**

AB 1329 (Wolk) – Permits city councils in Solano and Yolo counties to enter into specified design-build contracts. **Chapter 228, Statutes of 2005**

AB 1746 (Assembly Local Government Committee) – Extends county local agency formations commissions' deadlines to update spheres of influence and requires them to review spheres of influence every five years. **Chapter 347, Statutes of 2005**

Military and Veterans

SB 115 (Florez) – Directs the Department of General Services to adopt incentive policies and guidelines while overseeing the Disabled Veteran Business Enterprise program. Requires the department's small business advocate to provide services to the program and requires the Department of Veterans Affairs to promote the program to the fullest extent possible. Simplifies the process state agencies use to report their participation in the program. Declares the Legislature's intent that every state procurement authority honor California's disabled veterans by taking all practical actions necessary to meet or exceed the disabled veteran business enterprise participation goal of a minimum of 3 percent of total contract value. **Chapter 451, Statutes of 2005**

SB 513 (Soto) – Provides, to the extent permitted by federal law and the California Constitution, that principal and interest on any financial obligation or interest-bearing liability incurred by a member of the California National Guard, his or her surviving spouse, or beneficiary shall be deferred for a period of six months after the death of the member without penalty or accrual of any additional interest. The deferral may be requested by a surviving spouse or beneficiary only if the National Guard member was killed in the line of duty and if the obligation was created prior to the member's entry into service. **Chapter 261, Statutes of 2005**

SB 1082 (Morrow and Ducheny) – Facilitates the process for activated military reservists and National Guard members to modify their child support orders before or after deployment out-of-state-to reflect the change in income attributable to being called to active duty. The bill also provides some ability for service members who do not avail themselves of these new procedures to nonetheless avoid interest and penalties that would not have been due if they had modified their support orders. The bill also prohibits the court from changing custody and visitation orders solely on the basis of the service member's deployment out of state. As an urgency measure, this bill became law upon signing. **Chapter 154, Statutes of 2005**

AB 980 (Umberg) – Provides that when a member of the National Guard or the state organized militia is injured, wounded, or disabled in the line

of federal active duty, the person's disability benefits shall be equal to the benefits that regular military personnel receive upon an appropriation of funds by the Legislature. **Chapter 319, Statutes of 2005**

AB 985 (Torrico) – Requires that, when an employee returns from active duty in the National Guard or another part of the state militia and the employer has outsourced the employee's job to another country, the employer must give the employee six months' pay. These payments would be considered wages for unemployment insurance purposes. **Vetoed**

AB 1439 (Assembly Veterans Affairs Committee) – Increases the amount the Cal-Vet home loan program can lend. Permits the Department of Veterans Affairs to lend up to 125 percent of the maximum Fannie Mae loan limit for a single family house and 150 percent of the maximum Fannie Mae loan limit for a farm. **Chapter 459, Statutes of 2005**

AB 1523 (Blakeslee) – Extends the period for a military leave of absence for state employees from four to five years to conform to federal law. **Chapter 151, Statutes of 2005**

AB 1542 (Parra) – Updating similar provisions in statute from the Vietnam War era, creates a diversion program for combat veterans who commit nonviolent crimes and who suffer from post traumatic stress disorder, substance abuse, or psychological problems as a result of their service in combat. Courts may divert qualifying defendants to treatment at local, state, or federal facilities, or to nonprofit private programs, in lieu of jail or prison sentences. **Vetoed**

AB 1594 (Umberg) – Appropriates \$130,000 from the General Fund to fund the National Guard Surviving Spouses and Children Relief Act of 2004. That act commits the state to pay a \$10,000 death benefit to the surviving spouse or designated beneficiary of a member of the National Guard, State Military Reserve, or Naval Militia who is killed in the performance of duty. **Chapter 342, Statutes of 2005**

AB 1666 (Frommer) – Enacts the California Military Families Financial Relief Act of 2005 to provide financial relief to any service member called to active duty if that service lasts for at least thirty consecutive days. The protections include allowing the termination of cell phone contracts without penalty, providing credit for paid tuition and fees or refund of tuition and fees to enrolled students called to military service, waiver of membership dues for the State Bar for the duration of the active duty, and prohibiting utility companies from shutting off service for nonpayment during the period of active duty. **Chapter 345, Statutes of 2005**

Public Employment and Retirement

SB 973 (Kuehl) – Allows most retired state and local public employees to change optional retirement allowances to provide for their domestic partners. **Chapter 418, Statutes of 2005**

AB 55 (Mullin) – Restores \$500 million to the California State Teacher's Retirement System Supplemental Benefit Maintenance Account in future years. A recent court order requires the transfer to make up for underfunding in 2003-04. **Vetoed**

AB 195 (Dymally) – Adds reasonable attorney's fees and costs to the available remedies that the State Personnel Board may order when compensating an employee for employment discrimination under the State Civil Service Act. **Vetoed**

AB 276 (Baca) – Specifies that a state employee on active military duty is entitled to retain hazardous duty pay, hostile fire pay, and imminent danger pay along with other special and incentive pay that the federal government provides, in addition to any state compensation. **Chapter 287, Statutes of 2005**

AB 310 (Umberg) – Establishes various requirements for a mandatory defined-contribution retirement plan for state and local government employees, and establishes requirements and responsibilities for an investment provider for a mandatory plan. **Vetoed**

AB 747 (Blakeslee) – Permits state rank and file employees to donate annual leave, vacation, compensating time off, and holiday credits to supervisors and management employees for catastrophic leave. **Chapter 528, Statutes of 2005**

AB 1044 (Aghazarian) – Requires state elective office holders who are convicted of felonies arising directly out of their official duties to forfeit part or all of their retirement benefits. **Chapter 322, Statutes of 2005**

AB 1373 (Umberg) – Ratifies the Memoranda of Understanding negotiated between the state and Bargaining Unit 7 (protective services and public safety). **Chapter 70, Statutes of 2005**

AB 1523 (Blakeslee) – Extends the period for a military leave of absence for state employees from four to five years to conform to federal law.

Chapter 151, Statutes of 2005

AB 1567 (Torrico) – Ratifies a memoranda of understanding between the state and the California Union of Safety Employees, representing the psychiatric technicians who are members of Bargaining Unit 18.

Chapter 44, Statutes of 2005

Public Safety

Child Abuse and Domestic Violence

SB 33 (Battin and Poochigian) – Removes numerous distinctions in the law affecting intra-family child abuse as compared to child abuse by nonrelatives. For instance, in cases involving sexual conduct with a child under age fourteen, it eliminates distinctions in probation eligibility between defendants who are family members of the victims and other defendants. **Chapter 477, Statutes of 2005**

SB 138 (Maldonado) – Allows child victims in child abuse cases to testify by closed-circuit television as is currently allowed for child victims of sex offenses and violent felonies. Children must be thirteen years of age or younger to allow them to testify in this protected manner. The judge is permitted to decide whether a one-way or a two-way camera will be used, depending on the impact on the minor. **Chapter 480, Statutes of 2005**

AB 114 (Cohn) – Provides that when a defendant is accused of child abuse, evidence of the defendant's prior commission of child abuse may be admitted to prove the present child abuse charge or charges. **Chapter 464, Statutes of 2005**

AB 299 (Maze) – Allows a mandated reporter who observes or reasonably suspects that a child is a victim of child abuse to make a follow-up report to a child protection agency by fax or electronic transmittal after the initial report by telephone. **Chapter 42, Statutes of 2005**

AB 776 (Chu) – Creates a bypass mechanism allowing initial child abuse or neglect reports to be made by fax or electronic transmittal when a mandated reporter's reasonable efforts to make an initial report by telephone have failed. **Chapter 713, Statutes of 2005**

AB 1188 (Wolk) – Increases the penalty from an infraction to a misdemeanor for a supervisor or administrator to impede or inhibit a mandated reporter from reporting an instance of known or reasonably suspected child abuse. **Chapter 163, Statutes of 2005**

AB 1288 (Chu) – Requires a court to consider issuing a criminal protective order with a firearm prohibition at arraignment rather than waiting until the defendant is convicted. The bill also allows local law enforcement such as peace officers, judges, district attorneys, or probation officers to advise specific domestic violence victims whether the state's firearms database shows that the batterer has purchased firearms. This warning will apply to domestic violence victims who have already obtained restraining orders from family court, or whose abusers have already been arraigned on domestic violence charges in criminal court. **Chapter 702, Statutes of 2005**

Crimes and Penalties

SB 207 (Scott) – Authorizes law enforcement to impound the vehicle of an individual suspected of driving under the influence if the individual has a blood alcohol content of 0.10 percent or more and has one or more prior convictions, within the past seven years, for driving under the influence. If the suspect refuses to submit to a blood alcohol test, but otherwise meets the requirements of the bill, the officer is nonetheless authorized to impound the vehicle. **Chapter 656, Statutes of 2005**

SB 584 (Soto) – Increases the penalty for intentionally avoiding screening and inspection procedures for entry into a courthouse or any city, county, or state building. The bill makes this misdemeanor trespass punishable by up to six months in county jail. **Chapter 378, Statutes of 2005**

SB 719 (Romero and Margett) – Increases penalties from six months to one year in jail for drivers who speed from the scene when ordered to pull over by law enforcement officers. Other penalties range up to ten years in prison (previously five) when a crash from a pursuit results in death. The bill also addresses police pursuit policies by attaching further conditions to the immunity from liability that police agencies receive when persons are injured during a pursuit. **Chapter 485, Statutes of 2005**

SB 1028 (Bowen) – Outlaws the use of a computer in California for so-called computer-assisted hunting, prohibits hosting such hunting at locations in California, and prohibits maintaining a Web site to support the practice. **Chapter 672, Statutes of 2005**

AB 646 (S. Runner) – Revives a law that expired on January 1, 2005, making it an infraction subject to a fine of up to \$250 to perform or offer to perform cosmetic body-piercing, except for ear-piercing, on persons under eighteen years old unless a parent or guardian is present or gives notarized consent. Body-piercing of emancipated minors -- those no longer under adult supervision -- is exempt from the ban. **Chapter 307, Statutes of 2005**

AB 988 (Bogh) – Adds theft of personal identifying information to the definition of criminal profiteering activity, making specified assets of

individuals who are convicted of this offense subject to forfeiture.

Chapter 53, Statutes of 2005

Additional measures increasing or adding penalties for conviction of existing crimes include **AB 1325 (Vargas), Chapter 475, Statutes of 2005**, for illegal vehicle street racing and **AB 999 (La Malfa), Chapter 52, Statutes of 2005**, for the attempted murder of a correctional or custodial officer.

Firearms

SB 48 (Scott) – Removes the disincentive in current law to check identification of potential underage buyers of ammunition by eliminating the requirement that ammunition sellers know that the buyer is underage in order to be found criminally liable. Sellers who check and reasonably rely upon a buyer's identification will have a defense to the crime. **Chapter 681, Statutes of 2005**

SB 269 (Dutton) – Exempts certain firearms from mandatory safety testing of handguns sold in California. An exemption from safety testing already exists for single-action, long-barrel revolvers, which are types of firearms owned mostly by hobbyists and collectors. This bill adds a similar exemption for single-shot, long-barrel pistols, which proponents of the measure assert are rare in general circulation and also used mostly by hobbyists. **Chapter 683, Statutes of 2005**

AB 754 (Jones) – Closes a loophole by which importers of firearms into California could deceive suppliers by forging or otherwise pretending they hold a legitimate Federal Firearms License to receive shipments of guns. The bill mandates creation of a database, maintained by the Department of Justice, of valid license holders and requires out-of-state vendors to verify they are dealing with authorized receivers listed in the database. **Vetoed**

AB 996 (Ridley-Thomas) – Makes it a misdemeanor for a retailer to leave handgun ammunition out in the open, tempting theft, and requires such ammunition not to be made accessible to customers without the assistance of an employee or store clerk. The bill authorizes the attorney general to issue regulations to enforce and further the provisions of the bill. **Vetoed**

Homeland Security

AB 280 (Oropeza) – Raises the penalty for illegally bypassing security checkpoints at harbor and port passenger terminals. From simple trespass, subject to a fine, the violation becomes a misdemeanor, punishable by a fine and/or a county jail sentence. The change makes security violations and penalties at ports and harbors consistent with those at commercial airline terminals. **Chapter 289, Statutes of 2005**

AB 1495 (Canciamilla) – Exempts from the requirements to make information public under the Public Records Act, critical infrastructure information that is voluntarily submitted to the California Office of Homeland Security. The bill declares that restrictions on public access to critical infrastructure information are necessary to ensure that important economic infrastructure, including the manufacturing, transportation, refining, and processing industries, is protected from terrorist attack. **Chapter 476, Statutes of 2005**

AJR 21 (Karnette) – Asks Congress and the president to increase security funding for California ports by ensuring a funding source from customs revenue generated and collected in the state. **Resolution Chapter 63, Statutes of 2005**

Human Trafficking

SB 180 (Kuehl) – Creates the California Alliance to Combat Trafficking and Slavery Task Force, charged with examining the extent of the problem of human trafficking, suggesting model programs to protect victims, looking at the state's progress in assisting victims and prosecuting traffickers, and evaluating approaches to increase public awareness. **Chapter 239, Statutes of 2005**

AB 22 (Lieber and Liu and Senator Kuehl) – Strengthens state enforcement efforts against human trafficking by establishing comprehensive criminal and civil provisions addressing the crime of bringing an adult or a minor into California (trafficking) for the purpose of forced labor, such as working in a garment factory for little or no pay, or providing illegal services such as prostitution. It makes human trafficking a crime and, like SB 180 (Kuehl), creates the California Alliance to Combat Trafficking and Slavery Task Force. **Chapter 240, Statutes of 2005**

Juveniles

SB 447 (Poochigian) – Codifies the requirement of current law that in order to civilly commit a ward of the Youth Authority based on a finding that the person's release would be physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality, there also must be a finding that the condition causes the person to have serious difficulty controlling his or her dangerous behavior. **Chapter 110, Statutes of 2005**

SB 570 (Migden) – Institutes a consistent approach for identifying and treating mental illness in youths coming before juvenile delinquency courts. The bill requires that the Judicial Council provide education to judicial officers of the juvenile court and other court employees, acquainting them with mental health and developmental disability issues affecting young persons in delinquency proceedings. Where a serious mental disorder or emotional disturbance is suspected, the bill

authorizes, at county option, the court, prosecutor, or defense counsel to order an appropriate licensed professional to conduct a mental health evaluation and submit a written report of the findings. If a serious condition is found, the bill calls for a multidisciplinary team to examine the youth, review the youth's family life and psychiatric history, and recommend to the court the best plan of treatment and placement for the minor. **Chapter 265, Statutes of 2005**

Prisons

SB 239 (Romero) and AB 698 (Haynes) – Both, virtually identical measures, require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, including prearranged interviews with prisoners encountered while on a facility visit. News personnel are permitted to use materials necessary to conduct interviews including pens, pencils, paper, cameras, and audio and video recording devices, subject to search to protect the security of the institution. **Vetoed**

SB 618 (Speier) – Encourages the Department of Corrections and Rehabilitation and interested counties to transfer the duty of preparing parolees' needs and risks assessments and re-entry plans from the department to county probation departments and courts. Counties may develop a multi-agency plan to prepare nonviolent felony offenders to re-enter the community, and any sentence imposed pursuant to the re-entry plan shall include a recommendation that the inmate complete all relevant programs to address the needs identified in the probation report's needs assessment. **Chapter 603, Statutes of 2005**

Governor's Reorganization Plan No. 1 (Plan takes effect July 1, 2005) and SB 737 (Romero), Chapter 10, Statutes of 2005 – Eliminate the Youth and Adult Correctional Agency and the boards and departments under its purview, and in their place create the Department of Corrections and Rehabilitation. Membership in, and certain responsibilities of, the Board of Prison Terms and the Board of Corrections are altered in the newly renamed Board of Parole Hearings and Corrections Standards Authority. These measures also eliminate the Senate's authority to confirm appointments of prison wardens, but increase responsibility of the inspector general to review candidates and advise the governor as well as to conduct audits of the prisons within a time certain after the appointment of new wardens and periodically thereafter.

AB 478 (Lieber) – Sets minimum standards for the medical care of inmates who are pregnant during their incarceration, including the provision of vitamins and nutritional supplements, ensuring transportation of the inmates occurs in the least restrictive way possible, and prohibiting shackling of inmates who are in labor, except under exceptional circumstances. **Chapter 608, Statutes of 2005**

AB 862 (Bass) – Requires the Department of Corrections and Rehabilitation to distribute to all incarcerated parents with minor children, upon reception by the prison system, specific information regarding modification of child support orders. **Vetoed**

Sexual Assault and Sex Offenders

SB 111 (Alquist and Speler) – Extends the statute of limitations for certain sexual abuse offenses by generally authorizing prosecution for a felony sex crime against a child under eighteen years of age to be brought at any time prior to the victim's twenty-eighth birthday.

Chapter 479, Statutes of 2005

SB 723 (Denham) – Prohibits the Department of Mental Health from conditionally releasing sexually violent predators to a location within one-quarter mile of a public or private school housing grades K-12. This restriction applies if the person has previously been convicted of child molestation or continuous sexual abuse of a child. **Chapter 486, Statutes of 2005**

AB 70 (Maze) – Requires the Department of Motor Vehicles to immediately issue replacement license plates when requested by a rape or sexual battery victim who provides evidence of the crime. This legislation builds on similar requirements for victims of domestic violence and stalking. **Chapter 60, Statutes of 2005**

AB 113 (Cohn) – Prohibits paroled high-risk sex offenders from residing within one-half mile of public or private schools for kindergarten through grade twelve. Formerly, the law set a prohibition of one-quarter mile and affected schools for students in grades kindergarten through eight. **Chapter 463, Statutes of 2005**

AB 190 (Negrete McLeod) – Creates a check-off on personal income tax returns for individuals to give money to the California Sexual Violence Services Fund to support the California Coalition Against Sexual Assault and its eighty-four member rape crisis centers. This check-off will become operative following the removal of another voluntary contribution fund from the tax form. **Chapter 160, Statutes of 2005**

AB 217 (Vargas) – Requires the Department of Corrections and Rehabilitation, the Department of Mental Health, and any other official in charge of a place of confinement to notify the administrator of a long term care health facility before releasing a registered sex offender to reside in the health facility. **Chapter 466, Statutes of 2005**

AB 240 (Bermúdez) – Expands existing prohibitions on registered high-risk sex offenders residing near public and private schools from schools with grades kindergarten through eight to schools with children in grades kindergarten through twelve. The bill also prohibits the state from

providing convicted sex offenders with publicly funded therapies or prescription drugs, such as Viagra, to treat erectile dysfunction. **Vetoed**

AB 437 (Parra) – Revises the information available on the Internet about registered sex offenders to include the dates of conviction for the crimes requiring registration, and the dates of release from incarceration for those crimes, if sufficient funding is available for this purpose and the Department of Justice has access to complete and accurate information on these dates. **Chapter 721, Statutes of 2005**

AB 439 (Parra) – Provides that the obligation imposed on a registered sex offender to inform law enforcement upon moving to a new address must be done in person. If the new address is unknown at the time of the move, the registrant must notify the law enforcement agency within five days once a new address is established. The bill also clarifies that defendants convicted of sexual assault whose records are expunged still must register as sex offenders. **Chapter 704, Statutes of 2005**

AB 522 (Plescia and Bogh) – Prohibits the Department of Health Services from paying for any prescription drug or other therapy to treat erectile dysfunction for registered sex offenders, and authorizes the Department of Justice to share registered sex offender information with the Department of Health Services. **Chapter 469, Statutes of 2005**

AB 632 (Chu and Spitzer) – Creates the Sex Offender Management Board under the jurisdiction of the Department of Corrections and Rehabilitation to address the community management of adult sex offenders. **Vetoed**

AB 998 (Chu) – Provides clarification for hospitals and medical personnel that perform rape suspect exams that disclosure of these results to the law enforcement agencies that have custody of the suspects will not make them liable under the federal Health Insurance Portability and Accountability Act. **Chapter 133, Statutes of 2005**

AB 1088 (Oropeza) – Provides information on sexual assault and violence to students at public colleges and universities and encourages student victims to report crimes of sexual violence by eliminating barriers to reporting, such as exempting the victim from sanctions for violating campus policy about alcohol or substance abuse when that information is disclosed as part of the report of the assault. **Chapter 647, Statutes of 2005**

Victims of Crimes

SB 972 (Poochigian) – Provides new sources of funds for the Victims Compensation and Government Claims Board to financially assist crime victims. The bill allows the court to order cash confiscated at the time of arrest to be applied to the restitution fine if the funds are not otherwise exempt from confiscation. The bill also requires that the board be notified

if an inmate inherits money, so that a claim can be made on those funds to pay the restitution fine or order. **Chapter 238, Statutes of 2005**

SB 1018 (Simitian) – Enacts the Financial Elder Abuse Reporting Act of 2005, which extends mandated reporting requirements for financial abuse of an elder or dependent adult to all officers and employees of certain financial institutions. The bill requires any officer or employee of a financial institution who reviews or approves the elder's or dependent adult's financial documents, records, or transactions in connection with providing financial services, and who within the scope of his or her employment has observed or has knowledge of an incident directly related to the transaction that reasonably appears to be financial abuse, to report that suspected abuse. **Chapter 140, Statutes of 2005**

Other

SB 22 (Migden) – Appropriates an additional \$11 million to the Department of Justice to meet costs of continuing to implement Proposition 69, which requires DNA samples taken from all felons, sex offenders and, after 2009, all adults arrested for felonies. **Chapter 3, Statutes of 2005**

SB 104 (Ortiz) – Gives sheriffs and police officers the authority to enforce orders of the Department of Health Services and local health officers to prevent the spread of any contagious, infectious, or communicable disease. The bill is intended to give law enforcement the authority to enforce orders of a public health officer in cases where a quick response is necessary to prevent the fast-moving spread of a bioterrorist attack or disease outbreak. **Chapter 478, Statutes of 2005**

AB 760 (Nava) – Requires jailers to allow parents being booked into custody following an arrest to make two additional phone calls to arrange care for their child or children. The two phone calls are in addition to the three free calls allowed to any arrestee to contact a relative or acquaintance, to obtain a lawyer, or to obtain bail bond services. **Chapter 635, Statutes of 2005**

Revenue and Taxation

Disaster Assistance

In most years the state enacts legislation to provide relief to taxpayers and local governments whose property tax revenues were reduced as a result of reassessment of properties damaged or destroyed by natural disasters. Generally, these bills also allow taxpayers to carry forward 100 percent of qualified losses as deductions for up to five years and to carry forward 100 percent of any remaining losses an additional ten years. This year, there were three bills to provide this type of relief.

SB 457 (Kehoe) – Provides relief to Orange, Riverside, San Bernardino, and San Diego counties for the storms, flooding, debris flows, and mudslides that occurred in Southern California from December 2004 through March 2005. **Chapter 622, Statutes of 2005**

AB 18 (La Malfa) – Provides relief to Shasta County for the wildfires that began on August 11, 2004. **Chapter 624, Statutes of 2005**

AB 164 (Nava and Bass) – Provides relief for Kern, Los Angeles, Santa Barbara, and Ventura counties for the storms, flooding, debris flows, and mudslides that occurred in Southern California from December 2004 through March 2005. **Chapter 623, Statutes of 2005**

Other

SB 323 (Migden) – Establishes a penalty equal to 50 percent of the tax not remitted for knowingly collecting sales tax and failing to remit it in a timely manner to the Board of Equalization. While existing law provides for a variety of penalties, it does not impose a specific penalty when a taxpayer knowingly collects the tax and fails to remit it to the state.

Vetoed

SB 565 (Migden) – Exempts property exchanged between registered domestic partners from the Proposition 13 requirement that the county assessor reassess a property to reflect its current market value when the property's ownership changes. The same property transfer rights are

allowed to spousal and parent-child exchanges. The bill takes effect in the 2006-07 fiscal year. **Chapter 416, Statutes of 2005**

SB 610 (Alarcón) – States that hospitals are rebuttably presumed to be for-profit and therefore taxable if operating income exceeds operating expenses by more than 10 percent. Also repeals the law that says a hospital with operating income less than 10 percent above operating expenses is automatically considered to be nonprofit and thus tax-exempt. States that the bill does not constitute a change in, but is declaratory of, existing law. **Vetoed**

AB 115 (Klehs) – Generally conforms California personal income tax and corporation tax laws to federal tax laws in effect as of January 1, 2005. Conforms to the tax law changes in the federal American Jobs Creation Act but, with one exception, does not conform to deductions and credits. The conformity items include foster care payment exclusion, allowance of deduction for student loan interest, definition of child, deduction for corporate expensing for business items, and a tax credit for ultra-low sulfur diesel fuel production. **Chapter 691, Statutes of 2005**

AB 451 (Yee) – Effective January 1, 2008, modifies how the Bradley-Burns uniform local sales and use tax on jet fuel is allocated by providing that the point of sale of jet fuel is the place at which the fuel is delivered to the aircraft, regardless of whether the retailer has one or more places of business within the state or whether the negotiations for the sale are conducted in this state. This bill addresses an agreement on revenue sharing entered into in 2004 between the city of Oakland and United Airlines. **Chapter 391, Statutes of 2005**

AB 911 (Chu) – Changes the tax amnesty program, which the Legislature enacted as part of the 2004-05 budget, to correct unintended consequences of the program's personal income tax and corporate tax provisions. Specifically, the bill allows taxpayers to net over- and underpayment of taxes over multiple tax years, establishes a twenty-year statute of limitations after which the liability is extinguished (there was no limit under the original program), repeals the requirement that taxpayers must pay any tax due in 2005 and 2006 to avoid revocation of amnesty benefits and imposition of amnesty penalties, and extinguishes liability for a debt where the taxpayer has died, the debt is older than thirty years, or there is a specific hardship. **Chapter 398, Statutes of 2005**

AB 1099 (Leno) – Extends the exemption from property tax valuation for active solar systems until 2008-09 to prevent the solar energy system's value from being added to the property's assessed value. **Chapter 193, Statutes of 2005**

Transportation

SB 60 (Cedillo) – Requires the Department of Motor Vehicles to issue driver's licenses that permit driving and are acceptable by a federal agency for any official purpose, as certified by the federal Secretary of Homeland Security, to those applicants who are in compliance with the federal Real ID Act. Directs the Department of Motor Vehicles to issue licenses and identification cards to undocumented immigrants, providing that the license or identification card clearly states that it may not be used for any other official purpose, and uses a unique design or color.

Vetoed

SB 275 (Torlakson) – Requires the California Transportation Commission, working with the Department of Transportation and regional transportation planning agencies, the League of California Cities and the California State Association of Counties, to develop a ten-year needs assessment of the state's transportation system. The Department is to submit the assessment to the Legislature by October 1, 2006, and revise it every ten years. **Vetoed**

SB 523 (Torlakson) – Deletes a provision in current law that reduces the amount to be transferred from the Highway Users Tax Account to the Bicycle Transportation Account after June 30, 2006. The bill thereby maintains the monthly transfer amount of \$600,000. **Vetoed**

SB 680 (Simitian, Alquist, and Figueroa) – Authorizes the Santa Clara Valley Transportation Authority to impose an annual fee of up to \$5 on each motor vehicle registered in Santa Clara County for the management of traffic congestion and for specified street, road, expressway, highway, and transit purposes. **Vetoed**

SB 689 (Speier) – Requires the Department of Motor Vehicles to collect organ donor designation information on all driver's licenses or identification card applications and electronically transmit this information each week to Donate Life California, a nonprofit organization that is designated as the state's organ and tissue donor registrar.

Chapter 665, Statutes of 2005

AB 144 (Hancock) – Facilitates the completion of the Oakland-San Francisco Bay Bridge by allocating \$3.6 billion in additional funding for seismic retrofit and replacement of state-owned toll bridges. Also

authorizes the Bay Area Toll Authority to increase tolls on other state-owned toll bridges in the San Francisco Bay area. Requires the California Transportation Commission to adopt a schedule for the allocation of the new toll operated revenue. **Chapter 71, Statutes of 2005**

AB 338 (Levine) – Requires the Department of Transportation to use crumb rubber in state highway asphalt paving materials. Requires these paving materials to contain at least 6.62 pounds of crumb rubber per metric ton starting in 2007. **Chapter 709, Statutes of 2005**

AB 1051 (Benoit and Umberg) – Prohibits pocket bikes from being operated on sidewalks, highways, and any other part of a road or trail. Defines a pocket bike as a two-wheeled motorized device that has a seat or saddle for the use of the rider and that is not designed or manufactured for highway use. Requires manufacturers of pocket bikes to affix stickers alerting consumers to this law. **Chapter 323, Statutes of 2005**

AB 1208 (Yee) – Authorizes the San Francisco Board of Supervisors to impose a fee not to exceed \$5 per vehicle for traffic congestion management and environmental impact mitigation. **Vetoed**

AB 1229 (Nation) – Requires the Air Resources Board to revise regulations relating to the emissions information label on new cars, including a smog and global warming index. **Chapter 575, Statutes of 2005**

AB 1474 (Maze) – Prohibits persons from driving between the hours of 11:00 p.m. and 5:00 a.m. during the first six months they have a provisional driver's license. Also prohibits these drivers from transporting passengers under the age of twenty unless they are accompanied and supervised by licensed drivers twenty-five or older. **Chapter 337, Statutes of 2005**

AB 1623 (Klehs) – Authorizes the Alameda County Congestion Management Agency, the Contra Costa Transportation Authority, the Transportation Authority of Marin, the Napa County Transportation Planning Agency, and the Sacramento Transportation Authority to impose an annual fee of up to \$5 per vehicle on motor vehicles registered in those counties for traffic congestion management and environmental impact mitigation. **Vetoed**

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
155 E. 42ND STREET
NEW YORK 17, N.Y.